

equipment but we are going through the process to ensure it will work with existing systems (infrastructure requirements are not identical).

CN Note: Marguerite Buster was looking into how CSRs are notified that the applicant has an outstanding warrant, and what procedure is taken upon discovery of the warrant. Also, if anyone that has inquired about a EIC – if they have had a warrant or suspended license – AB wanted figures.

Alison Brock Follow Up Question: Any word on whether the notary will be required on the form? Also, is there a law that passed that allows or licenses to be suspended for failure to pay toll road fees?

Please provide Candace Nolte with the information for her to relay to the Representative's office.

Division Referred to: DLD

Details of Action Taken:

Name/Phone Number/Date Completed:

EXHIBIT 7

EXHIBIT 7:

BATES #

TX-00007419 THROUGH

TX-00007429

TKO Advertising Inc.

TKO Advertising Inc.
700 N. Lamar
Suite 200B
Austin, TX 78703

(512)472-4856
thinkbig@tkoadvertising.com

TKO

Invoice

Date	Invoice No.
09/16/2013	1702
Terms	Due Date
Net 30	10/16/2013

Bill To
Texas Secretary of State Attn: Financial Management P.O. Box 12887 Austin, TX 78711-2887

RECEIVED
SEP 27 2013
FINANCIAL MGMT

4-79

Service	Activity	Amount
Agency Services	<ul style="list-style-type: none"> • Voter Education Creative & Media Buy August 2013 - November 2013 	30,000.00
	<ul style="list-style-type: none"> • Agency Services Revamp broadcast script, supervise production, and format/program print and digital assets for general market and special populations, coordinate calendar, client approval, and vendor support 	
Production	<ul style="list-style-type: none"> Poster creative to be printed or shared digitally in multiple languages <ul style="list-style-type: none"> - English - Spanish - Traditional Chinese - Vietnamese Diversity and Special Populations Creative <ul style="list-style-type: none"> - Create/coordinate online resource materials, such as web-friendly poster on votetexas.gov/voters-with-special-needs/ 	50,000.00
	<ul style="list-style-type: none"> • Photo ID broadcast scripts: <ul style="list-style-type: none"> - (1) :30-second radio script in English - (1) :30-second radio script in Spanish - (1) :30-second television script in English - (1) :30-second television script in Spanish - Produce 2 radio spots - Produce 2 television spots 	
Total		\$80,000.00

Please Remit Payment to:
TKO Advertising Inc.
PO Box 30317
Austin, TX 78755

10/10/13-11/11/13 KK
4-79

TKO Advertising Inc.

TKO Advertising Inc.
700 N. Lamar
Suite 200B
Austin, TX 78703(512)472-4856
thinkbig@tkoadvertising.comtko
Invoice

Date	Invoice No.
10/07/2013	1705
Terms	Due Date
Net 30	11/06/2013

Bill To
Texas Secretary of State Attn: Financial Management P.O. Box 12887 Austin, TX 78711-2887

RCV'D FIN MGMT

OCT 07 2013

RL

Service	Activity	Amount
Media	<ul style="list-style-type: none"> • PO #307-4-00079 Voter Education Media Buy Radio Placements September 2013 • Radio Statewide - :30-second Radio spot in English - :30-second Radio spot in Spanish Quantity: 3,124,800 impressions Weeks of: 9/16, 9/23, 9/30 Markets: Abilene, Austin, Beaumont, Corpus Christi, Dallas, El Paso, Harlingen, Houston, Laredo, San Antonio, Sherman, Shreveport, Tyler, Victoria, Waco-Killeen, Wichita Falls, Alpine, Amarillo, College Station, Fort Stockton, Pecos, Rockdale, San Angelo, Texarkana, and 100+ rural markets 	36,580.00
Please Remit Payment to: TKO Advertising Inc. PO Box 30317 Austin, TX 78755		Total \$36,580.00

TKO Advertising Inc.

TKO Advertising Inc.

700 N. Lamar

Suite 200B

Austin, TX 78703

(512)472-4856

thinkbig@tkoadvertising.com

tko

Invoice

Date	Invoice No.
11/06/2013	1708
Terms	Due Date
Net 30	12/06/2013

Bill To

Texas Secretary of State
Attn: Financial Management
P.O. Box 12887
Austin, TX 78711-2887

Service	Activity	Amount
Media	<ul style="list-style-type: none"> PO #307-4-00079 Voter Education Creative & Media Buy Radio Placements October 2013 <p>Radio Statewide</p> <ul style="list-style-type: none"> - :30-second Radio spot in English - :30-second Radio spot in Spanish <p>Quantity: 5,907,739 impressions</p> <p>Weeks of: 10/7, 10/14, 10/21, 10/28</p> <p>Markets: Abilene, Austin, Beaumont, Corpus Christi, Dallas, El Paso, Harlingen, Houston, Laredo, San Antonio, Sherman, Shreveport, Tyler, Victoria, Waco-Killeen, Wichita Falls, Alpine, Amarillo, College Station, Fort Stockton, Pecos, Rockdale, San Angelo, Texarkana, and 100+ rural markets</p>	69,170.00
Media	<ul style="list-style-type: none"> TV/Cable Statewide Placements October 2013 - :30-second Television spot in English - :30-second Television spot in Spanish <p>Quantity: 11,006,992 impressions</p> <p>Weeks of: 10/7, 10/14, 10/21, 10/28</p> <p>Markets: Abilene, Austin, Beaumont, Corpus Christi, Dallas, El Paso, Harlingen, Houston, Laredo, San Antonio, Sherman, Shreveport, Tyler, Victoria, Waco-Killeen, Wichita Falls</p>	119,250.00
Continue to the next page		

Service	Activity	Amount
Media	<ul style="list-style-type: none"> Diversity and Special Populations Media Buy Half-page advertisements placed in community newspapers <p>Quantity: maximum placements based on not-to-exceed budget</p> <p>Run Dates: 9/30, 10/1, 10/2, 10/3, 10/9, 10/14, 10/16, 10/17, 10/18</p> <p>Markets: Dallas/Ft. Worth, Houston, San Antonio, Dallas</p>	25,000.00
Media	<ul style="list-style-type: none"> Digital Media Buy Static advertising banners in (3) sizes English Spanish <p>Mobile advertising banners in (3) sizes</p> <ul style="list-style-type: none"> English Spanish <p>Quantity: 5,000,000 impressions</p> <p>Dates: 10/1/13 - 10/31/13</p> <p>Markets: Dallas/ Ft. Worth, Waco, Temple, Bryan, Austin, San Antonio, Houston, Rio Grande Valley, El Paso, Lubbock, Amarillo, Corpus Christi, Laredo, Brownsville, McAllen</p>	40,000.00
Production	<ul style="list-style-type: none"> SmartTXVoter smartphone application updates to potentially include: <ul style="list-style-type: none"> Changing the name of the app Updating app for dual use of parties/candidates and constitutional amendments All updates will be at minimum for iOS and Android (additional platforms TBD based on budget and timeframe) All updates will be in both English and Spanish 	20,000.00
Agency Services	<ul style="list-style-type: none"> Agency Services Revamp broadcast script, supervise production, and format/program digital assets, coordinate calendar, client approval, and vendor support Poster creative to be printed or shared digitally in multiple languages <ul style="list-style-type: none"> English Spanish Traditional Chinese Vietnamese Diversity and Special Populations Creative <ul style="list-style-type: none"> Create/coordinate online resource materials, such as web-friendly poster on votetexas.gov/voters-with-special-needs/ 	10,000.00
Total		\$283,420.00

Please Remit Payment to:
TKO Advertising Inc.
PO Box 30317
Austin, TX 78755

REQUEST FOR PROPOSAL NUMBER 12111**HELP AMERICA VOTE ACT OF 2002 ("HAVA")
VOTER EDUCATION AND OUTREACH OPPORTUNITIES****SECTION ONE INTRODUCTION AND PURPOSE****1.1 PURPOSE OF THE REQUEST FOR PROPOSAL (RFP)**

It is the intent of the Office of Secretary of State ("SOS") to obtain proposals to provide continuing voter education and outreach consistent with the Help America Vote Act of 2002 ("HAVA") to educate and train Texans on the voting and election process in Texas. The voter outreach program should focus on, but not be limited to, four areas: (1) How to register to vote; (2) How to comply with photo identification requirements; (3) Polling place processes and procedures; and (4) How to properly cast a ballot.).

It is the further intent of the SOS to select a proposer to perform research, marketing, production, advertising, communication services and other assistance necessary for successful voter education and outreach. The selected will be the prime source for all services under the contract (though, as further described below, HUB subcontracting is encouraged) and will use communications strategies and messages that are at all times commensurate with the dignity of the State of Texas.

1.2 BACKGROUND INFORMATION

On October 29, 2002, President Bush signed HR 3295, the Help America Vote Act ("HAVA"). This federal legislation was in response to the voting irregularities experienced during the 2000 federal election and created many new mandates for state and local government as well as appropriated funding to the states to assist with implementation and compliance.

Some of the central requirements of HAVA are listed below:

- The state must maintain an official list of registered voters and must verify the identification numbers of all new voter applicants;
- Each polling place in the state must have at least one voting system per polling place that is accessible to persons with disabilities;
- Voters, whose names do not appear on the voter registration roll, must be allowed to vote a provisional ballot, which is not counted until the voter's eligibility is verified after the election;
- Federal Postcard Applications may under specified circumstances now serve to permanently register the voter as well as serve as a request for a ballot in a limited number of election cycles; and
- The state establishes and maintains a state-based administrative complaint process for voters who file a sworn complaint that their voting rights have been violated.

1.3 CONTRACT TERM

The term of any contract resulting from this RFP shall be from contract award until January 31, 2013, subject to any termination rights provided for in a definitive contract negotiated between SOS and the Contractor. The term of this contract includes both Phase I and Phase II, as set forth in more detail in Section 1.5 of this RFP.

1.4 FUNDING AND ELIGIBLE USES

This project will be financed with federal funding. Below are the statutory sources, the federal awarding agencies, and the eligible funding activities. The project budget must include a description of how each deliverable satisfies one or more of the eligible uses listed below. The state anticipates funding three to five percent of the project from Source 2 (accessibility funds); however, accessibility-related activities may amount for more than five percent of the project activities (Source 1 will cover the balance).

Statutory Authority: Help America Vote Act ("HAVA"), Public Law 107-252, October 29, 2002; 42 U.S.C. 15301

Federal Awarding Agencies: Source 1, US Election Assistance Commission ("EAC"); Source 2, US Department of Health and Human Services ("HHS")

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Source 1: Title I, Section 101 of HAVA; Title II, Section 251 of HAVA (95% federal funding / 5% state match)

Source 2: Title II, Section 261 of HAVA

Eligible Activities Source 1:

Educate voters concerning voting procedures and voting rights which may include –

- A sample version of the ballot that will be used for that election;
- Information regarding the date of the election and the hours during which polling places will be open;
- Instruction on presenting required photo identification at the polls, per SB 14, 82nd Legislative Regular Session;
- Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;
- Instructions on how to obtain an election identification card;
- Instructions for mail-in registrants;
- General information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated;
- General information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation;
- General information regarding the statewide voter registration database, Texas Election Administration Management (TEAM) System, including public utilization; and

Eligible Activities Source 2:

Educate voters regarding accessibility issues which may include –

- Educating the disability community about how and when to register to vote, apply for ballots by mail, where to vote during early voting or on election day, the right to a secret ballot under state law, and methods of voting using available accessible voting machines in certain counties;
- Working with disability advocacy groups based upon the quality and extent of their proposed voter outreach programs for the disabled;
- Working with disability advocacy groups to develop additional, innovative approaches to voter outreach programs for the disabled; and
- Ensure that training materials are available in a number of accessible formats.

1.5 PROJECT DESCRIPTION AND REQUIREMENTS

1.5.1 Scope and Requirements

It is expected that project requirements for both Phase I and Phase II will be substantially similar, except that Phase I will seek to educate and communicate with Texas voters in the March 2012 primary election (and any subsequent run-off), and Phase II will seek to educate and communicate with Texas voters in the November 2012 general election. Additionally, it is expected that the activities in Phase I will incorporate approximately 40% of the allocated budget and Phase II approximately 60%. Consistent with the broad goals set forth in Section 1.1 of this RFP, and the foregoing, specific tasks to be implemented may include, but are not limited to, the following:

- Develop overall concept and design of voter education materials consistent with current branding/VOTEXAS;
- Provide creative consultation and production consultation with SOS;
- Research, plan and develop voter information/outreach strategies, messages and materials for the general statewide voting population, and various subgroups such as the Spanish-speaking population, special needs population, and young and elderly voters;
- Research, plan, develop and implement strategies, messages and materials to inform the statewide voting population and targeted sub-groups of the photo identification requirements and processes as a result of Senate Bill 14;

- Plan, design and produce educational voter information/outreach materials in multiple formats, including television, print, radio, electronic formats, Internet and in video formats that are research-based and appropriate for selected venues and media;
- Update the VOTEXAS.org web site as requested by SOS. Updating the SOS main website, www.sos.state.tx.us, is a responsibility of SOS;
- Make recommendations to and assist the SOS as necessary with comprehensive media and community relations support to plan, coordinate, advertise and successfully execute all voter education and outreach events;
- Following coordination and approval by SOS, solicit support and involvement of appropriate partner organizations to maximize voter education and outreach;
- Plan and implement innovative and effective special events and activities that engage the public in meaningful ways and achieve desired results;
- Develop and implement social media opportunities as a way to supplement traditional communications methods to inform all Texans of the registration and voting process;
- Coordinate with the Secretary of State's Office and local election officials to plan, develop, schedule and implement possible voter education telethons that maximize citizen participation;
- Develop materials and activities to enhance participation of military and overseas voters in the opportunities provided through the Military and Overseas Voting Empowerment (MOVE) Act;
- Weekly update meetings, status reports, detailed activity reports for prior weeks, and possible oral presentations to SOS executive staff on a regular basis;
- Provide Awareness Tracking at various stages of the program. Benchmark tracking shall be provided prior to Phase I followed by awareness tracking after Phase I and II. SOS will review awareness tracking after both phases to determine effectiveness of the level of awareness of the program and dissemination of the messages to the public. Contractor may be required to improve and/or modify delivery of messages. SOS Awareness Tracking shall include the engagement of an independent subcontractor, approved by SOS, to conduct awareness tracking. The subcontractor shall provide SOS a copy of the raw data (in electronic form) from the evaluation, as well as a written narrative report. The effectiveness of the program will be analyzed in light of the following:
 - Quality and level of recall for the advertising;
 - Ways in which attitudes about voting have been altered;
 - Key demographic characteristics of target markets/audiences; and
 - Level of awareness and understanding of:
 - How to register to vote;
 - Voter photo identification required by SB14
 - Polling place processes and procedures;
 - How to properly cast a ballot; and
 - MOVE Act;
- Collaborate with SOS and Contractor's research firm to identify and meet research needs, including reviewing survey instruments, discussion guides, and other research tools, preparing concepts or storyboards to test with members of the target audience(s) and applying research findings to overall marketing, advertising and public information strategies;
- Provide media placement at a level established by mutual agreement with SOS and the Contractor;
- Purchase media time or space for programs and messages appropriate to the identified target audience(s). Advertising media may include, but not be limited to:
 - Print, television, and radio advertisements;
 - Outdoor (billboards);
 - Public transit;
 - Internet projects;
 - Soliciting free media time or space for public service announcements as appropriate; and
 - Maintaining records of all contractor-assisted and non-assisted placements, including all print, audio-visual and Internet publicity;
- Provide reports on the types and amount of complimentary promotional assistance provided;
- Evaluate marketing, advertising and public information activities and campaigns for effectiveness using appropriate evaluation processes and measurements. This may include tracking awareness, attitudes, and practices of target audience(s) during various stages of

campaigns and activities to determine effectiveness in achieving desired goals, objectives and outcomes;

- Using methods established by mutual agreement between the SOS and the Contractor, to calculate and report, if requested and approved by SOS, the earned media value for all publicity generated;
- In addition to conducting long term planning to ensure a successful project, the Contractor must effectively address unexpected or unforeseen communication issues, opportunities and needs with regard to voter education issues as requested or identified by SOS, and have budget contingencies for such issues and needs; and
- Develop and produce four (4) copies of a final report that summarizes the overall voter education and outreach project, including summaries of research, overall project concept, copies (or storyboards) of all final ads and final project materials, media placement, added value media, event summaries, telethon summaries and partnership activities.

Additionally, the Contractor shall:

- Adhere to the SOS Terms and Conditions identified in this solicitation including (without limitation) any portion of the "Contract" as defined in this solicitation or its attachments;
- Provide all labor, materials and equipment necessary to meet requirements of the specified services throughout the term of the Contract;
- Promptly notify SOS in writing of events which have a significant impact on Contractor production, including:
 - Problems, delays or adverse conditions which will prevent the meeting of time or work schedules;
 - Favorable developments which will enable meeting time or work schedules sooner than anticipated; and
 - Provide project briefings upon request.

1.5.2 General Personnel Requirements

The proposer shall have a Project Manager whose primary responsibility shall be the day-to-day operation of the service in accordance with the requirements of the Contract arising out of this RFP:

- Proposer shall utilize permanent staff members;
- Proposer's personnel shall effectively communicate orally and in writing; and
- Refer to Section 3.6, Experience and Capability.

1.5.3 Additional Service Requirements

The Contractor shall:

- Have the ability to begin work on this project within 15 days of award of the purchase order or on the agreed upon date between SOS and the Contractor;
- Recommend and develop strategies to most effectively achieve desired results through the creation of marketing, advertising and public information campaigns, initiatives and activities;
- Provide professional marketing, advertising and communications services to implement strategies and assist SOS in managing communication issues as they arise;
- Develop targeted information campaigns and activities consistent with the Help America Vote Act of 2002. Applicable marketing, advertising and public information services may include, but not be limited to determining appropriate goals, objectives and strategies for achieving desired outcomes, including identifying concepts, messages, target audiences, activities, rationale and justification for activities, research needs, evaluation processes and measurements, media markets, and all other activities associated with the recommended strategies; and
- When appropriate, and as required by SOS, the Contractor shall coordinate activities with county election officials, other SOS contracted firms, other state agencies, election advisory committees, and local, regional and state-wide election associations and organizations involved with or affected by services provided under this contract.

1.5.4 SOS Responsibilities

SOS will provide management oversight and written advance approval of all work projects performed by the Contractor and its subcontractors including, but not limited to, release or implementation of any material developed. SOS will provide specific outline of duties with billing instructions per activity prior to activity being undertaken.

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SOS will schedule meetings with the Contractor to monitor progress of work.

SOS will provide advance written approval or disapproval of Contractor's key personnel assigned to the Voter Education and Outreach Program, including any personnel changes.

SOS will evaluate all Contractor services and work products for quality and compliance with the applicable contract requirements.

1.6 PROPOSAL EVALUATION AND CONTRACT AWARD

The SOS will conduct a fair, comprehensive and impartial evaluation of all proposals received in response to this RFP using an evaluation committee, and final decision-making authority with respect to the selection of a Contractor rests with the Secretary of State. The evaluation committee will be selected by the Secretary of State and may consist of SOS employees or outside individuals with expertise in particular areas. SOS's General Counsel, other in-house legal counsel, and outside legal counsel may assist by advising the evaluation committee or sitting on the committee at the request of the Secretary of State.

Each member of the evaluation committee will conduct an independent review of each proposal submitted. All persons involved in this RFP process will sign a non-disclosure statement. The evaluation committee will make a recommendation based on the procedures set forth in Section 4.2 of this RFP to the Secretary of State concerning its belief which proposers merit further consideration. Selected proposer(s) may be requested to perform oral presentations, as more fully set forth below in Section 1.7 of this RFP. SOS may request some or all proposers to make one or more oral presentations.

SOS may request clarification of information or representations in a proposal before completing the initial evaluation. Refer to Page 1 regarding proposer responses to inquiries and requests.

1.7 ORAL PRESENTATIONS

Proposers may be required to make one or more oral presentations. Proposers must be prepared to be available for such a presentation(s), if requested.

Each Proposer invited to make an oral presentation will be allowed one hour for the presentation, and an additional one half-hour will be provided for questions from SOS. A schedule will be provided to proposers making an oral presentation giving the exact time of each stage of presentation.

The order of participation in oral presentations will be determined at random. Oral presentations must substantially represent material included in the original written proposal, with emphasis placed on the creative response aspects of the proposed solution.

Members of the evaluation committee, the Secretary of State and other individuals selected by SOS may be present during the oral presentations. Oral Presentations will be held at the offices of the Office of Secretary of State in Austin, Texas. A total of four (4) individuals representing a proposer will be allowed during a presentation.

SECTION TWO GENERAL INSTRUCTIONS AND STANDARD PROPOSAL REQUIREMENTS

All proposals in response to this request must meet the following conditions in order to be considered. Failure to meet these conditions shall result in disqualification of proposal and the proposal shall receive no further consideration.

2.1 NOTICE OF INTENT TO SUBMIT A PROPOSAL; PROPOSAL SUBMISSION; DATE, AND TIME

WITHOUT EXCEPTION:

- NOTICE OF INTENT TO SUBMIT A PROPOSAL FROM PROPOSERS MUST BE RECEIVED BY SOS PURCHASING DEPARTMENT BY 5:00 P.M., OCTOBER 17, 2011 IN AUSTIN, TEXAS; AND
- PROPOSALS MUST BE RECEIVED BY SOS PURCHASING DEPARTMENT BY 5:00 P.M., NOVEMBER 9, 2011 IN AUSTIN, TEXAS.

A form of the Notice of Intent to Submit a Proposal is included as Attachment A attached hereto.

Proposals must be submitted with the proposer's name, RFP number and proposal due date prominently visible on the packaging. If multiple packages are used, the proposer should indicate on each package "___ of ___."

Facsimile transmissions (FAX) of proposals will not be accepted under any circumstances.

Proposer must sign the "Execution of Offer, Affirmation of Terms and Conditions, and Proposal Preferences" instrument, included as Attachment B hereto. By signing, the Proposer or the Proposer's legally authorized agent affirms that all statements within the proposal are true and correct. Discovery of any false statement in the proposal is a material breach and shall void the submitted proposal or any resulting contracts.

2.1.1 Receipt of Proposals

To be eligible to be considered for funding, proposals must be received in the SOS Purchasing Department on or before November 9, 2011 at 5:00 p.m. local time, Austin, Texas, as set forth above. In establishing the time and date of receipt, the SOS will rely solely on the time/date stamp/signature of the Purchasing Department.

2.1.2 Method of Submittal

Regardless of the method of submitting the proposal (i.e., United States Postal Service, United Parcel Service, Federal Express, or any other delivery service), the proposal must be received in the SOS Purchasing Department by 5:00 PM local time, Austin, Texas on or before November 9, 2011 in order to be considered.

SOS will not accept a United States Postal Service postmark and/or round validation stamp, mail receipt with the date of mailing stamped by the United States Postal Service, a dated shipping label, invoice or receipt from a commercial carrier, or any other documentation as proof of receipt of any proposal. Proposers are advised that SOS assumes no responsibility, due to any circumstances, for the receipt of a proposal after the due date of November 9, 2011, as set forth above.

2.1.3 SOS Purchasing Department

SOS Purchasing Department is open Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding state holidays. SOS Purchasing Department is located in Suite 405 of the Rudder Building, 1019 Brazos Street, Austin, TX 78701.

The mailing address is:

Office of Secretary of State
Purchasing Department
James E. Rudder Building, Suite 405
1019 Brazos Street
Austin, TX 78701-2413
Attn: Mary Jon Urban
Email: RFP#12111@sos.state.tx.us

2.1.4 Number of Copies of Proposal

One (1) original copy of the proposal (marked "ORIGINAL") and five (5) copies of the proposal must be submitted. The required number of copies of the proposal must be received in the SOS Purchasing Department by 5:00 p.m. November 9, 2011. Failure to meet this condition shall result in disqualification of the proposal and the proposal shall receive no further consideration.

Photocopying is not available at SOS.

Additions or replacements to the proposal will not be accepted after 5:00 p.m. on November 9, 2011.

2.1.5 Notice of Intent to Submit a Proposal

All potential proposers must notify the SOS in writing of their intent to submit a proposal. This notice is included as Attachment A, and must be submitted by October 17, 2011, to SOS Purchasing Department. Failure to so notify SOS will disqualify the proposed vendor from submitting a proposal.

2.2 SCHEDULE / CRITICAL DATES

DATE	EVENT
October 3, 2011	Expected issuance of RFP and publication in the Electronic State Business Daily portion of the Texas Marketplace
October 17, 2011	Notice of Intent to submit a proposal is due in the SOS Purchasing Department at 5:00 p.m., local time, Austin, TX
October 24, 2011	Questions from Proposers due to SOS Purchasing Department
October 27, 2011	SOS responses to questions from proposers answered and posted to ESDB
November 9, 2011	Proposal is due in SOS Purchasing Dept. at 5:00 P.M., local time, Austin, TX
November 17, 2011	Proposals evaluated by SOS evaluation team
Dec. 5 - 12, 2011	Oral Presentations performed and evaluated by evaluation team
December 15, 2011	Contract award
January 4, 2012	Project start date
On or prior to February 6, 2012	Phase I completed
On or prior to October 5, 2012	Phase II completed
January 31, 2013	Ending date of contract

IT SHOULD BE NOTED THAT THE SECRETARY OF STATE MAY VARY ALL OF THESE DATES AS CONDITIONS REQUIRE.

2.3 QUESTIONS RECEIVED PRIOR TO PROPOSAL DUE DATE & TIME

The sole point of contact for all inquiries or any requests for additional information concerning this RFP shall be made via email to RFP#12111@sos.state.tx.us.

2.3.1 Requests for Additional Information

In order to assure that no prospective vendor may obtain a competitive advantage because of acquisition of information unknown to other prospective vendors, any additional information that is different from or in addition to, information provided in the RFP, will be provided only in response to written inquiries via e-mail as set forth in Section 2.3 of this RFP. All such inquiries and the written answers prior to the deadline for submission of the proposers' "Notice of Intent" to submit a proposal will be posted as an addendum to the RFP on the Electronic State Business Daily (ESBD) at <http://esbd.cpa.state.tx.us/>. After the deadline date for the Notice of Intent, only those proposers who successfully submitted a "Notice of Intent" will be issued any additional inquiries and corresponding answers.

It is the responsibility of interested parties to periodically check the ESBD for updates to the procurement prior to submitting a bid. The Respondent's failure to periodically check the ESBD will in no way release the selected vendor from "addenda or additional information" resulting in additional costs to meet the requirements of the RFP.

2.4 STANDARD PROPOSAL REQUIREMENTS

Proposals that address only part of the requirements contained in this RFP may be considered non-responsive. SOS reserves the right to reject any and all proposals and to negotiate portions thereof. The selected proposal may not necessarily be funded for the amounts indicated in any advertised scenario. The budget submitted by the proposed vendor is subject to negotiation by SOS. SOS reserves the right to select the proposal containing the best value to the state considering the outcomes desired as described herein. The proposed vendor shall furnish such additional information that SOS may reasonably require. SOS may, in order to obtain an acceptable definitive contract with the selected Proposer, modify the terms of this RFP through negotiations with respect to such definitive contract before the execution of such contract on terms that are mutually agreeable to both SOS and the selected Proposer.

9-8

Responses to this RFP shall include all information as requested in this RFP. Each proposer is responsible for its own thorough understanding of the RFP, including all attachments related thereto. In addition, each proposer is solely responsible for its response and all documentation submitted. Proposers are cautioned to pay particular attention to the clarity and completeness of their response. The clarity and completeness of a response will be considered by the evaluation committee.

2.5 STATE NOT RESPONSIBLE FOR PREPARATION COSTS

SOS will not be liable for any costs incurred in the preparation and submittal of a proposal, or costs associated with performing requested oral presentations.

2.6 CONFLICT OF INTEREST

Under Section 2155.003 of the TX Gov't Code, a SOS employee may not have an interest in, or in any manner be connected with a contract or bid for a purchase of goods or services by an agency of the state; or in any manner, including by rebate or gift, accept or receive from a person to whom a contract may be awarded, directly or indirectly, anything of value or a promise, obligation, or contract for future reward or compensation.

Proposers represent and warrant that their provision of services or other performance under a Contract arising out of this RFO will not constitute an actual or potential conflict of interest and represent and warrant that it will not reasonably create even the appearance of impropriety. Proposer shall disclose any current or former employees who are current or former employees of the state, or any proposed personnel who are related to any current or former employees of the SOS.

Any individual who interacts with public purchasers in any capacity is required to adhere to the guidelines established in Section 1.2 of the State of Texas procurement manual which outlines the ethical standards required of public purchasers, employees, and vendors who interact with public purchasers in the conduct of state business. Entities who are interested in seeking business opportunities with the state must be mindful of these restrictions when interacting with public purchasers of SOS or purchasers of other state agencies. Proposers must disclose any potential or perceived conflicts of interest that could, directly or indirectly, be implicated by the performance of the requirements under this RFP prior to award and thereafter within five (5) days upon becoming aware of any such conflicts that may arise.

2.7 HISTORICALLY UNDERUTILIZED BUSINESS (HUB) SUBCONTRACTING PLAN

Subcontracting opportunities are possible for the Contract arising out of this RFP and proposers are encouraged to subcontract with HUBs. HUBs are defined in Tex. Govt. Code, §2161.001. Proposers may choose to subcontract any portion or all of the services with HUBs.

All Proposers are required to submit a HUB Subcontracting Plan ("HSP") with their response to this RFP.

Proposers that fail to submit a HSP will be rejected for noncompliance with the advertised RFO specifications.

The HSP documents a vendor's good faith effort to award subcontracts to HUBs in accordance with the following percentages: 33% for other services contracts

The HSP will be incorporated into a contract arising out of this RFP, between SOS and the selected Proposer.

If a proposer is awarded a contract, it will be responsible for monthly Progress Assessment Reports filed by the 15th of each month for the previous period activities.

To assist the proposer in making a good faith effort, the SOS has identified the following opportunities as potential subcontracting opportunities under this RFP:

- Class: 915 Communications and Media Related Services
 - 915-04 Advertising, Outdoor Billboard, etc.
 - 914-14 Broadcasting Services, Radio
 - 915-15 Broadcasting Services, Television
 - 915-42 Film Production Services
 - 915-48 Graphic Arts Services (Not Printing)
 - 915-58 Mailing Services
 - 915-71 Newspaper and Publication Advertising
 - 915-73 Public Information Services
 - 915-72 Photography (Not Including Aerial Photography)
 - 915-74 Radio Commercial Production
 - 915-78 Television Commercial Production

- 915-82 Video Production
- 915-96 Web Page Design or Management Services
- Class: 961 Miscellaneous Services
 - 961-75 Translation Services
- Class: 965 Printing Preparations: Etching, Photoengraving, and Preparation of Mats, Negatives and Plates
 - 965-15 Artwork, Camera Ready
 - 965-46 Graphic Design Services for Printing
- Class: 966 Printing and Related Services
 - 966-59 Offset Printing, General, Large Press Work (Qty. over 100,000), One or More Colors, No 4 Color Processes or Close Registration; Finished sizes may exceed 11 x 17
 - 966-60 Offset Printing, Large Production Runs (Qty. Up to 100,000); 4 Color Process or Close Registration Required: Color Brochures, Maps, etc.
 - 966-61 Offset Printing, Large Production Runs (Qty. over 100,000); 4 Color Process or Close Registration Required: Color Brochures, Maps, etc.
 - 966-86 Specialty Printing; Die Cutting, Laser, Plastic, Thermography, etc.

A partial list of potential HUBs can be found at

<http://www.window.state.tx.us/procurement/cmb/cmbhub.html>. Search "HUBs on CMBL" and "HUBs not on CMBL". Enter the Class Code and the Item number. These vendors are registered on the Comptroller of Public Accounts' Centralized Master Bidders List (CMBL) or other related listing. The SOS does not endorse, recommend nor attest to the capabilities of any company or individual on these lists.

HSP forms and instructional videos can be accessed at

<http://www.window.state.tx.us/procurement/prog/hub/hub-subcontracting-plan/>.

2.8 INDEPENDENT AUDITING STANDARDS AND CONFLICT OF INTERESTS

If an entity or its subsidiary has or is currently contracted with SOS to perform professional services or consulting (non-audit) services, then they cannot be awarded a contract to provide financial audit, attestation, or performance audit services for two years from finishing an engagement.

An entity or its subsidiary that performed financial audit, attestation, or performance audit services for SOS, may not receive a contract award to perform professional services or consulting (non-audit) services for two years.

SECTION THREE

PROPOSAL FORMAT AND CONTENT

3.1. PROPOSAL FORMAT AND CONTENT

Proposals must be submitted entirely on 8 1/2" X 11" white paper, except the Task Activity Plan which may be a fold-out, and must be limited to 20 pages (10 duplex pages or 20 single-sided pages) not including appendices and attachments. Proposals should be legible and type no smaller than 9 point font. Proposer's response to Sections 3.2 Understanding of the Project & Methodology, Section 3.3 Exceptions, Section 3.4 Proposed Activity Plan, and Section 3.6 Experience and Capability count toward the 20 page maximum. Bios or resumes may be included as attachments but are not to be provided in lieu of the information requested in Section 3.6. Proposals should be stapled or clipped in some manner; no notebooks or binders. The proposer shall submit one signed and dated original (marked "Original") and five copies (marked "Copy"). Proposals must be submitted in a manner which does not carry any benefit, keepsake, or value for members of the evaluation team.

In addition, responses to this RFP should also be submitted on a compact disk or USB flash drive in MS Word, Excel and/or Adobe Acrobat. All appendices and attachments must be included on the disk or memory stick. Label the disk or USB flash drive with Proposer's name. Only one electronic copy is required. Discrepancies between the hard copy of any response to this RFP and electronic formats of same will be resolved in favor of the hard copy of the response to this RFP.

Facsimile transmissions of responses to this RFP will not be accepted under any circumstances.

Refer to Attachments B, 2, MMM regarding designations of material as purportedly proprietary or otherwise confidential in electronic copies or hard copies.

3.1.1 Proposal Cover Page & Vendor Identification

Proposals should include a cover page, which includes the information shown on the attached sample cover page. A sample cover page is attached hereto as Attachment C.

Proposer shall provide to SOS its 9-digit Federal Employer's Identification Number (FEI); or 14-digit State of Texas Vendor Identification Number (VIN). Proposer shall also provide to agency the entity's charter number or certificate of registration issued by the Texas Secretary of State's office. The Proposer that is awarded a contract arising out of this RFP must be registered with the Secretary of State to perform business in the state of Texas.

3.1.2 Response Checklist

This checklist is to assist vendors in ensuring that all information is included in their response. Vendors must refer to the appropriate section of the RFP for detailed information on the following. Response content should be presented in the order shown below.

<input type="checkbox"/>	Notice of Intent to Submit a Proposal	Sec. 2.1.5
<input type="checkbox"/>	RFP Cover Page	Sec. 3.1.1; Attachment C
<input type="checkbox"/>	Understanding of the Project and Methodology	Sec. 3.2
<input type="checkbox"/>	Exceptions	Sec. 3.3
<input type="checkbox"/>	Proposed Activity Plan with cost proposal	Sec. 3.4 & 3.5; Attachment D
<input type="checkbox"/>	Experience and Capability	Sec. 3.6
<input type="checkbox"/>	Signed Execution of Offer, Affirmation of Terms and Conditions, and Proposal Preferences	Attachment B
<input type="checkbox"/>	HUB Subcontracting Plan	Sec. 2.8
<input type="checkbox"/>	Proposal electronic copy	Sec. 3.1

Failure to return all information on the checklist may disqualify the proposal.

3.2. UNDERSTANDING OF THE PROJECT AND METHODOLOGY

The proposed vendor must demonstrate how it will achieve the mandatory objectives set forth in Section 1.5, and must specifically commit that the offer to provide services pursuant to this RFP, embodied in the response to this RFP, is valid for 90 days from November 9, 2011. Any proposal containing a term of less than 90 days shall be rejected.

3.3. EXCEPTIONS

If proposer takes any exceptions to any specifications and/or terms and conditions contained in this RFP, these exceptions must be specifically and clearly identified by section in proposer's response and proposer's proposed alternative must also be provided in its response. Proposers cannot take a "blanket exception" to the entire solicitation. **AT THE SOLE DISCRETION OF SOS, AN EXCEPTION IN WHOLE OR IN PART MAY RESULT IN THE DISQUALIFICATION OF SUCH PROPOSAL.**

3.4. PROPOSED ACTIVITY PLAN

Proposers must plan for the project starting date of no earlier than January 4, 2012, and an ending date of no later than January 31, 2013. The proposer must submit a proposed activity plan (Attachment D) for the scenario identified in Section 3.5, specifying to the degree possible, the tasks and activities which are to be undertaken or delivered (as applicable). Timelines showing beginning and ending dates for each major task are to be included. Activities must be sufficiently designed and outlined in the activity plan that will provide evidence of satisfactory delivery of services and products. Time frames must be logical and appropriate to complete all activities within the beginning and ending dates of the contract. The Tack Activity Plan (Attachment D) may be expanded as determined by the Proposer. Failure to meet this condition shall result in disqualification of proposal and the proposal shall receive no further consideration.

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3.5. COST PROPOSAL

The Proposer must submit a cost proposal it believes is necessary to accomplish the project objectives and activities of this RFP, in the form attached hereto, Attachment D, Proposed Activity Plan. The cost proposal should be itemized by each activity suggested by the proposer to accomplish project objectives.

The vendor's proposal must submit a cost proposal for the following scenario, which is an assumption, made only for evaluation purposes:

- Scenario – Proposer should assume a total budget of no more than \$3,000,000.00

IN NO WAY DOES THE FOREGOING BIND SOS TO ANY TOTAL BUDGET AMOUNT. THE FOREGOING IS PURELY AN ASSUMPTION TO BE UTILIZED SO THAT SOS MAY COMPARE PROPOSALS FROM DIFFERENT PROPOSERS ON A LIKE BASIS. THE ACTUAL TOTAL BUDGET MAY BE SIGNIFICANTLY GREATER OR SIGNIFICANTLY LESS THAN THE SCENARIO PRESENTED IN THIS SECTION.

3.6. EXPERIENCE AND CAPABILITY

The Contractor is likely to be a full-service advertising agency, providing account service, media buying, and creative services in-house.

Proposers shall provide:

- Brief profiles on individuals who will be part of Proposer's key personnel on the project, including, but not limited to, the individual's name, title, education, years of experience, role and responsibility on the project and hourly pricing for personnel staff that will work on the project.
 - The proposer's Project Manager shall have a minimum of five (5) years full service marketing experience or comparable experience; and
 - Key personnel shall have a minimum of three (3) years experience in their respective service area(s);
- Information demonstrating it is an established company engaged in the business of developing and implementing public information programs and initiatives for a minimum of five years;
- An example of a similar project of equal size completed in the last five (5) years that includes information on the project's:
 - Goals and objectives of the project, campaign or initiative;
 - Market research approach, to include target audience, stakeholder groups, messaging, campaign strategies and other related information;
 - Project Work Plan with milestones and deliverables;
 - Purchase of air time appropriate for target audience(s), including any "added value";
 - Project budget – was project accomplished within budget and if not explain why;
 - Tools, methods and processes used to evaluate the effectiveness of the project, campaign or initiative; and
 - Approach used to plan and implement innovative and effective advertising and public information strategies to achieve the desired results;
- A list of clients that includes decision-making personnel from at least two (2) previous projects of a similar size and complexity to this project. The project submitted to fulfill the above request may be one of these two project clients. Provide client contacts that have/had hands on, day to day knowledge of that project and your performance. Describe the services provided to those clients. The services shall have been provided by the proposer to the reference company or entity within five (5) years preceding the issue date of this RFP. By providing a client list, the proposer agrees that the SOS may contact any or all of the clients for reference regarding activities, performance and services provided; and
- The Proposer must provide a brief company history, including the founding date, the number of years it has been in business as currently constituted, and a brief description of its marketing, education and outreach philosophy.

Consistent with the broad based goals set forth in Section 1.1 of this RFP, proposers should demonstrate how they meet the following vendor qualifications:

- Demonstrated experience in designing, managing and implementing statewide advertising campaigns, including but not limited to media buying, direct mail capabilities, online services, TV/radio/print advertising and survey research;
- The proposer's team has the ability to conduct outreach to various subgroups within the general voting population;
- Considerable in-house capabilities for production of collateral materials, literature and research;
- Education and outreach strategy, as well as creative consultation, production consultation and state-wide rollout strategy and associated training capabilities; and
- Experience in planning, creating and designing collateral materials and strategies to inform a statewide audience and various audiences such as those identified in Section 1.5.

The proposer shall submit the most recent three years audited financial statements, or if audited financial statements are unavailable, un-audited financial statements shall be submitted and certified as true, correct, complete, and accurate by the chief financial officer or treasurer of the respondent's company.

- The proposer shall be in good financial standing, not in any form of bankruptcy or insolvency, current in payment of all taxes and fees such as (but not limited to) state franchise fees, current in the payment of all its material debts and not currently involved in any type of litigation; and
- Provide the name, address, phone number, and e-mail address of the person SOS should contact with any questions regarding the response submission.

3.7. HISTORICALLY UNDERUTILIZED BUSINESS (HUB) IDENTIFICATION

HUBs are encouraged to submit a proposal for the services requested in this RFP. Proposers are encouraged to become HUB certified. Proposers that are not certified and who wish to become certified should complete the HUB Certification application available at <http://www.window.state.tx.us/procurement/prog/hub/hub-certification/>. Proposers should also relay this information to any potential subcontractors who wish to become a certified HUB. Proposers that are certified as a HUB with the State Comptroller of Public Accounts should attach a copy of the certificate to the proposal.

SECTION FOUR REVIEW OF PROPOSALS

4.1. REVIEW OF PROPOSALS

Review of proposals will begin as soon as practical after receipt. The proposers that receive favorable evaluations during the first round of evaluation may be asked to send a representative to Austin, Texas, at a time and place to be arranged, for oral presentation of proposals. However, SOS shall be under no obligation to request such oral presentations. Proposals may be re-evaluated and be considered along with the oral presentations, if any, before SOS makes a final award.

The recommendations of the evaluation team will be assembled and be presented to the Secretary of State. The Secretary of State may then request additional oral presentations from such proposer(s). Following such oral presentations, if applicable, the Secretary of State will:

1. Approve one proposal in whole or in part; or
2. Defer action on the proposals for purposes of further evaluation.

SOS reserves the right to utilize any or all presentation evaluation rounds in its final selection.

SOS will notify each proposed vendor in writing via email of its selection or non-selection. Additional copies of proposals not selected will be destroyed unless the proposer notifies SOS in writing within thirty (30) days of the date of such vendor's receipt of the non-selection letter requesting that the proposals be returned. Any such returned proposals will be at such proposer's expense.

4.2. SELECTION CRITERIA

Proposals will be selected based on the ability of each proposer to carry out all of the requirements contained in this RFP.

RESPONSE EVALUATION: Only complete responses with the listed required submittal documents and meeting minimum qualifications will be considered (Ref. Section 3). Failure to meet the minimum qualifications and submit the required documents will result in a response being declared non-responsive/disqualified.

STEP 1 INITIAL EVALUATION: The SOS evaluation committee will evaluate and score each response based on established criteria. Respondents/proposers shall not contact members of the evaluation team. Responses will be evaluated according to the respondent's ability to best satisfy SOS requirements. The evaluative criteria are as follows:

- Quality of response submission will comprise 50 percent of the evaluation total points possible; demonstrates an understanding and ability to plan and implement the project scope and requirements;
- Respondent qualifications will comprise 30 percent of the evaluation total points possible; and
- Pricing elements will be 20 percent of the evaluation total points possible.

STEP 2 ORAL PRESENTATION: SOS may request that a proposer give one or more oral presentations (See Section 1.7). SOS will evaluate each oral presentation. All responses will be evaluated according to the respondent's ability to demonstrate expertise in marketing, advertising and public relations as outlined in the written response. This presentation will aid in determining whether the specific vendor is well-qualified on the basis of ability, creativity and responsiveness.

The proposer and key proposed personnel should be prepared to address any questions that may be asked by SOS.

NEGOTIATIONS: Upon completion of oral presentation evaluations, SOS reserves the right to enter into negotiations with one or more proposers.

STEP 3 BEST AND FINAL OFFER (BAFO): SOS reserves the right to request a BAFO from the selected proposer(s). The selected proposer shall submit a final price and any added value. If more than one respondent reaches this level, the negotiated terms, references, BAFO and added values will be considered in the award. SOS will make the final determination on the best value.

AWARD: SOS reserves the right to award a Contract to the proposer that provides the best value to the state of Texas and SOS in performance of these services. SOS may award to a single vendor, multiple vendors, or use any combination that best serves the interest of SOS.

SECTION FIVE

CERTAIN CONTRACTUAL REQUIREMENTS

5.1. VENDOR'S PROPOSAL

The selected proposal may be incorporated into a contract prepared by the SOS for signature by the contracting parties. No terms of proposal shall become terms of any contract arising out of this RFP unless expressly stated to be so in writing by SOS.

5.2. TASK ACTIVITY APPROVAL BY SOS

The Contractor shall develop a Task Activity Plan for the voter outreach project. SOS and the Contractor shall determine projected timelines.

Every effort must be made to produce public information materials well ahead of the determined deadlines. Proofs of collateral and other promotional materials shall be submitted to SOS in a timely manner so that editing is implemented, approval given, and deadlines met.

The SOS will expect the Contractor to develop a cost-efficient plan that is responsive to SOS's educational needs. In addition to identification and scheduling of projected activities, each activity shall include measurable objectives and estimated costs. Cost Estimate Approval forms may be amended as necessary and as mutually agreed to between SOS and the selected proposer. **COSTS NOT APPROVED IN WRITING BY SOS WILL NOT BE ELIGIBLE FOR REIMBURSEMENT OF ANY KIND AND WILL BE THE SOLE PAYMENT OR OBLIGATION OF THE CONTRACTOR.**

5.3. EXPENDITURE APPROVAL BY SOS

The Contractor must make recommendations for savings wherever possible. Prior to the development and execution of any activity the Contractor shall present the SOS Cost Estimate Approval forms with a total cost estimate for the activity. If any particular line-item's cost will exceed the cost estimate, the Contractor must submit a revised cost estimate and obtain SOS approval for the increase. The SOS will not be responsible for any expenditure that exceeds the amount approved by SOS on any Cost Estimate Approval form.

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Cost Estimate Approval forms shall be submitted to SOS not less than ten (10) calendar days prior to a project. The SOS project manager will approve or deny a project in writing within five (5) state working days of receipt.

All costs, including but not limited to, research, special project work, commissions, shipping, etc. must be completely detailed in any estimate submitted for approval. The estimate shall include any fee or commission for the Contractor or any subcontractor.

All purchases and expenditures made by the vendor shall be competitively bid, in accordance with current SOS guidelines for procurement of goods and services, and submitted to SOS on Cost Estimate Approval forms. When SOS guidelines require competitive bids, typically for purchases over \$5,000, whenever possible, the vendor shall provide appropriate bid documentation with the Cost Estimate Approval, along with the vendor's recommendation, for SOS's approval. The Contractor is encouraged to utilize certified HUBs listed in the state's Centralized Master Bidders List or other available HUB lists whenever possible, for all purchases, when the quality and cost is equal to or better than other bids.

5.4. PAYMENT

All payments are made in accordance with Texas Government Code §2251.001 et seq. Payments for Goods and Services (commonly known as the Prompt Payment Law). According to guidelines set forth by the Texas Comptroller of Public Accounts, the payment scheduling policy requires agencies to pay as close to the due date as possible in order to maximize fiscal benefits to the state. Payments are due in 30-days.

Unless otherwise indicated by SOS, payment is only by reimbursement upon satisfactory performance and delivery of goods and services.

Payment is contingent upon submission of a properly prepared invoice/expenditure report. The contract number/purchase order number must be shown on all invoices. The invoice shall include a detailed report indicating timelines for all activities (with associated task numbers) and services provided which are included in the invoice. Contractor services shall indicate specific personnel, hours worked and hourly rates as quoted. As noted above, the cost must have been pre-approved by SOS (in writing; hard copy or electronic). SOS project manager shall approve all activities invoiced before any payment will be processed. The information provided on each invoice/expenditure report must coincide with the tasks and cost categories outlined in the approved budget, as approved by the SOS.

Invoices may be submitted once every 30 days by email to SOSAccountsPayable@sos.state.tx.us and the SOS Project Manager. Monthly invoices should be accompanied by the current Task Activity Plan,

The cost of services rendered or materials produced by organizations on SOS's behalf and not a part of the Contractor's organization (out-of-vendor expenditures) shall be billed at actual cost (i.e., long-distance telephone calls, mailing, shipping, photocopying, and printing). Contractor must submit copies of invoices from all subcontractor's work or materials supplied at net cost.

Advance payments for services will be provided to Contractor only for media air time or space when the activity cost is \$75,000.00 or more. Upon Contractor's receipt of printed verification from supplier of the media air time or space, Contractor shall invoice SOS and SOS shall pay such invoice within three business days from receipt. Other related fees such as Contractor's fees/commissions will be paid using the standard payment methods addressed in the Contract arising out of this RFP. Prepayments will be made using electronic transfer of state funds by the State Comptroller.

5.5. INSURANCE

All required bonds and insurance as specified in this RFP must be issued by companies or financial institutions which are financially rated A or better as rated by A.M. Best Company and duly licensed, admitted, and authorized to do business in the State of Texas. SOS shall be named as the Obligee in each required bond and as an Additional Insured in each required insurance contract. Except as otherwise expressly provided herein, required coverage must remain in effect throughout the term of the Contract and provide full coverage for incidents discovered after termination of the contract. The Contractor must submit copies of each required insurance contract, and any renewals thereof, to SOS no later than January 1 of each year, except for the first year of the Contract in which the copies of the required insurance contracts must be submitted within fifteen (15) days after contract execution, or as otherwise provided herein. Contractors must submit required bonds when and as required by this RFP. The Contractor and/or insurance carrier must notify SOS of any cancelation of a policy or renewal 30 days prior to any expiration, cancelation and/or renewal date and failure to do so may be grounds for termination.

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5.6. GENERAL LIABILITY INSURANCE

A Contractor must maintain general liability insurance coverage with limits of not less than one million dollars (\$1,000,000) for injury to any one person, two million dollars (\$2,000,000) for any one occurrence of personal injury, and one million dollars (\$1,000,000) for any one occurrence of property damage. A Contractor shall provide SOS with proof of such coverage upon execution of the definitive contract and thereafter no later than January 1st of each year such contract is in force.

5.7. ERRORS AND OMISSION INSURANCE

A Contractor must maintain professional liability errors and omissions insurance of not less than five hundred thousand dollars (\$500,000), to be in force and effect during the term of a definitive contract including any extension thereof and one year thereafter. **COVERAGE MUST INDEMNIFY SOS FOR DIRECT LOSS DUE TO ANY ERROR OR OMISSION CAUSED BY THE CONTRACTOR PARTIES (AS DEFINED LATER IN THIS RFP) REGARDLESS OF WHETHER SOLE OR CONCURRENT NEGLIGENCE OR FAULT OF ANY KIND ON THE PART OF THE STATE PARTIES (AS DEFINED LATER IN THIS RFP) IS DETERMINED TO EXIST. THE CONTRACTOR SHALL PROVIDE THE SOS WITH PROOF OF COVERAGE UNDER THIS SECTION 5.7 UPON EXECUTION OF SUCH CONTRACT AND THEREAFTER NO LATER THAT JANUARY 1ST OF EACH YEAR SUCH CONTRACT IS IN FORCE.**

5.8. PERFORMANCE BOND

Contractor shall, at the time of execution of the Contract, be required to provide a performance bond in the amount of ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000) during the term of any definitive contract.

The bond must be maintained in full force and effect for the term of such contract. The bond shall be forfeited to SOS if the Contractor fails to perform as required by such contract.

The performance bond must be received by SOS not later than fifteen (15) days after execution of the definitive Contract.

5.9. TRAVEL EXPENSES

SOS may require weekly meetings at SOS headquarters and/or teleconferences to discuss status of implementation of the Task Activity Plan(s). Contractor will not be reimbursed for any travel expenses related to these status meetings.

The Contractor is expected to use its best efforts to minimize expenditures of state funds when traveling to fulfill its obligations under any Contract arising out of this RFP. The Contractor shall use its best efforts to secure the most advantageous airline, hotel and ground transportation rates available. Photocopies of receipts are required for all travel reimbursements, including meals. No reimbursement will be made for tips, gratuities, alcohol, valet parking, room service or any purchases not directly related to the purpose of the travel. Mileage reimbursement for use of a personal or company-owned vehicle will be at the rate established by the Texas State Comptroller of Public Accounts. Contractor must adhere to the State's travel guidelines as promulgated by the Texas State Comptroller of Public accounts, where commercially reasonable and obtain prior approval if unable to adhere to such travel guidelines resulting in higher costs.

<https://fm.x.cpa.state.tx.us/fmx/travel/texttravel/index.php>

5.10. PERSONNEL CONTINUITY AND REPLACEMENT

SOS recognizes those events beyond the control of the Contractor such as the death, physical or mental incapacity, long-term illness, or the voluntary termination of employment of key personnel will require the Contractor to offer a replacement. In the event such a replacement is necessary, the Contractor agrees that personnel shall not begin work on the project without prior written approval from SOS.

The Contractor agrees that the project manager and key personnel assigned to all projects shall remain available throughout the entirety of each project and throughout the term of the Contract arising out of this RFP as long as those individuals are employed by the Contractor.

If SOS determines the project manager or key personnel are unable to perform in accordance with the service requirements or to communicate effectively, the Contractor shall immediately remove that person.

Proposed replacement personnel shall meet minimum qualifications and have experience comparable to the person(s) being replaced. Replacement personnel shall be provided at no additional cost to SOS. Resume(s) and reference(s) will be provided to SOS for the proposed replacement(s). SOS may reject

any replacement if references or past working performance is questionable or unfavorable. SOS will be the sole judge of the qualifications of the proposed replacement personnel.

5.11. QUALITY ASSURANCE PLAN

The Contractor shall provide a comprehensive, continuous, and measurable quality assurance plan. The plan shall include:

- Strategies and processes to promote quality;
- Procedures to periodically measure and report quality performance to SOS throughout the term of the Contract arising out of this RFP;
- Performing internal audits of the Contractor's operations;
- Employing external audit firms to conduct audits of the Contractor's operations when requested by SOS, provided that no expenditure for such audits shall be made without SOS's prior approval; and
- Controls to assure quality and consistency throughout the term of the contract arising out of this RFP.

5.12. DELIVERABLES

The Contractor shall submit:

- Products and materials as determined and agreed on through the task activity plan process;
- All documentation (i.e., reports, task activity plans, monthly reports, final reports) in a format approved by SOS. All documentation delivered shall be clear, concise, complete and in compliance with standards required the SOS Contract Manager;
- The monthly progress reports (described below) not later than ten (10) days after the end of each reporting period, save and except the HUB Progress Assessment Report which is due no later than the 16th day of the month for the prior month reporting period; and
- The final report (described below) summarizing the project activities, accomplishments and recommendations for a possible future voter education and outreach program.

5.13. REPORTS

The Contractor shall submit the following reports, as specified.

5.13.1 Monthly Reports

These reports shall be delivered to SOS no later than the 10th calendar day of each month and shall include the following:

- Tracking report - includes a log sheet which records all monthly media placements generated during the prior month's period including but not limited to number of media value generated, circulation, title of publication/program, title of article, media type, publication date description of activity that generated article/program;
- On Going and Complete Projects Update - a description and evaluation of all on-going projects and activities completed by the Contractor (including all necessary back-up) during the prior month's period, including but not limited to all services and work products (e.g., materials production/distribution, industry events, research, trade relations, special events, promotions cooperative marketing ventures, etc.);
- Budget Report - a monthly accounting of the prior month's expenditures, including the monthly service fee and all reimbursables by project/task, projected future expenditures, a cumulative total for the fiscal year and contract period, and an available budget balance for the remainder of the contract period and fiscal year;
- Subcontracting Report - a monthly report of all subcontracts awarded during the month, including HUBs and non-HUBs, the amount of each subcontract, subcontractor vendor identification numbers, the total dollar value of all subcontracts, and any payments made to such during the reporting period. The state's HUB Progress Assessment Report form shall be used to report this subcontractor information;
- Anticipated work schedule - identifies all projected activities and includes measurable objectives, an estimated budget, and per project cost estimates for all activities to be performed by the Contractor during the next month. No work on any activities shall be performed without the prior written approval of SOS;
- Complimentary Assistance Generated - total retail dollar value of all complimentary promotional assistance provided by SOS partners participating in cooperative marketing, promotional, and other activities under the contract;

- Texas State Library Filings report - a report and listing of all work products (e.g., brochures, films, recordings reports, documents, etc.) produced under the contract that may be subject to filing with the Texas State Library per the Texas Administrative Code, Title 13, Chapter 3, and delivery of sufficient quantities of qualifying products to SOS; and
- Contractor's Evaluations and Recommendations - Contractor's evaluation on all services (including all work projects and work products) performed under the Contractor's plan of action during the previous month and any recommendations for improvements, including plan revisions and additional services proposed for future implementation.

5.13.2 Media Reports

- Detailed projected media placement report prior to each phase; and
- Detailed actual media placement report after each phase.

5.13.3 Final Report

On or before January 31, 2013, the Contractor shall submit to SOS a written report that provides a comprehensive overview of the performance of the Contractor's representation services, including but not limited to, a review of all project activities, major accomplishments, performance summary (including all performance measures), industry awards received, final public awareness tracking, and recommendations for a possible future voter outreach program.

EXHIBIT 10

EXHIBIT 10:

BATES # 1

TEX 0525002 +

TEX 0525003



Georgia Secretary of State

Brian P. Kemp



Photo Identification: Voter Identification Cards

Year	Cards Issued
2006	2,182
2007	4,229
2008	12,332
2009	2,473
2010	2,683
Grand Total	23,899



EXHIBIT 11



Georgia Secretary of State Brian P. Kemp



Photo Identification: Costs

Georgia Voter ID Card System	
2006 Initial Contract Amount	\$588,965.00
Annual Costs and Training, 2008 - 2010	\$169,370.25
Election Personnel Online Training	\$15,000
Grand Total	\$773,335.25





Georgia Secretary of State Brian P. Kemp



Photo Identification: Outreach and Education Highlights

- ✓ 5,720 radio PSAs featuring then-Secretary of State Karen Handel and Atlanta Falcons players.
 - ✓ Increased awareness of the photo ID requirement, voter registration deadlines, and early voting options.
- ✓ Atlanta Falcons home games featured end zone-to-end zone LED banners directing fans to visit the Secretary of State's website for more information on photo ID, voter registration and early voting.
- ✓ Radio ads were purchased statewide on Clear Channel stations for airing during news casts, traffic reports, Atlanta Braves games, and on Clear Channel websites.
- ✓ 400 ads were placed inside Atlanta's MARTA buses to remind riders of photo ID.





Georgia Secretary of State Brian P. Kemp



Photo Identification: Outreach and Education

Media Type	Number
Direct Mail and Utility Bill Inserts	Over 5,009,700 pieces
Packages of Photo ID Materials to NGOs (Chambers of Commerce, Churches, Libraries)	633 packages; over 57,000 pieces
Automated Reminder Phone Calls	83,500
Video PSAs	1,232
Radio PSAs	Over 60, 610
Press releases	70



4-11

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 11, 2011

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: SB14 by Fraser (Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.), As Passed 2nd House

Estimated Two-year Net Impact to General Revenue Related Funds for SB14, As Passed 2nd House: a negative impact of (\$2,024,000) through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	(\$2,024,000)
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2012	(\$2,024,000)
2013	\$0
2014	\$0
2015	\$0
2016	\$0

Fiscal Analysis

The bill would exempt certain disabled voters from presenting additional identification for voting, other than the voter registration certificate, if the voter submits written document from the United States Social Security Administration evidencing the applicant has a disability or the Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent along with a statement that the applicant does not have an acceptable form of identification. The bill would also require voter registration certificates to contain an indication that the disabled voter is exempted from presenting additional identification, other than the voter registration certificate, before being accepted for voting.

The bill would require the voter registrar of each county to provide a notice of identification requirements for voting with each initial voter registration certificate or renewal registration certificate

2-2

issued. The Secretary of State (SOS) and the voter registrar of each county that maintains a website would be required to post on their websites, in each language in which voter registration materials are available, a notice of the identification requirements, and county clerks would be required to post a physical copy in each language voter registration materials are available. SOS would be required to prescribe the wording of these notices. SOS would also be required to establish a statewide effort to educate voters regarding the identification requirements for voting and would be required to include education targets at low-income and minority voters.

The bill would require training standards to include instructions on the acceptance and handling of the identification presented by a voter to an election officer and each election clerk would be required to complete this training.

The presiding judge at each polling place would be required to post in a prominent location outside of the location a list of the acceptable forms of identification and the list would have to be separate from any other notices.

The Secretary of State would be required to develop standards for accepting voters when determining whether the voter's name on the voter's form of identification is substantially similar when the name does not match exactly with the name on the list of registered voters and the voter submits an affidavit stating that the voter is the person on the list of registered voters.

The Secretary of State would be required to prescribe the wording for written notifications of the identification requirements for voting beginning with elections held after January 1, 2012 and election officers would be required to provide this written notification of voting identification requirements to voters who do not meet identification requirements. This section would expire September 1, 2017.

The Secretary of State would be required to prescribe procedures for voters who provisionally vote without proper identification to present proof of identification to the voter registrar not later than the sixth day after the date of the election.

The bill would require a temporary license issued by the Department of Public Safety (DPS) to include the photograph of the person to whom the license is issued and would require the temporary license to be issued on the day of application if all application requirements are met. If the applicant is out of state or a member of the armed forces of the United States, DPS would be allowed to issue a temporary license without a photograph of the license holder until the applicant has time to appear and be photographed and a license with a photograph is issued.

The Department of Public Safety (DPS) would be prohibited from collecting a fee for a personal identification certificate or a duplicate personal identification certificate issued to a person who states that they are obtaining the personal identification certificate to meet voting identification requirements and does not have another form of acceptable identification and that person meets certain other voter registration criteria.

The bill would repeal Sections 63.007 and 63.008 of the Election Code related to voters with incorrect certificates who are not on the voter list and voters without certificates who are not on the voter list.

The Secretary of State (SOS) would be required to adopt the training standards and to develop training materials as soon as practicable after September 1, 2011. Each county clerk would be required to provide a session of training using the standards adopted by and the materials developed by SOS as soon as practicable as well.

The bill would change an offense under this section after January 1, 2012 to a second degree felony from a third degree felony unless the person is convicted of an attempt, in which case, the offense would be a state jail felony instead of a Class A misdemeanor.

The bill would expand the uses of state funds disbursed under Chapter 19 of the Election Code to include additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. This section would expire January 1, 2013.

The bill would state that if any provision in the bill is found by a court to be invalid, the remainder of the bill would be allowed to stand alone.

Sections pertaining to providing notice of voter identification requirements, providing voter identification training, providing voter education to the public, and expanding the uses of voter registration funds would be effective September 1, 2011. The remainder of the bill would be effective January 1, 2012.

Methodology

The fiscal impact of the bill excluding technology costs is estimated to be \$2,000,000 million for fiscal year 2012 out of the General Revenue Fund. The estimate includes \$0.5 million to research and develop ways to inform the public of the new identification requirements. Additional costs are estimated to be \$1.5 million for media advertisements: television (\$750,000), radio (\$300,000), print (\$300,000), and internet (\$150,000). The Secretary of State indicates that federal funds associated with the Help America Vote Act (HAVA) may be available for use but the agency would first need to verify this with the federal government.

The Secretary of State would also be required to prescribe the wording for voter identification requirement notifications in each language voter registration materials are available, develop training materials on voter identification requirements, and develop standards for accepting voters when determining whether the voter's name on the voter's form of identification is substantially similar to the name on the list of registered voters. It is assumed that any fiscal implication associated with these responsibilities could be absorbed within existing resources.

The fiscal impact of expanding the uses of funds disbursed under Chapter 19 of the Election Code to include coordinating voter registration drives or other activities designed to expand voter registration is unknown because it is not known how many voter registration drives or other activities designed to expand voter registration would occur.

The fiscal impact of the costs and revenue loss from the prohibition of DPS to collect a fee for a personal identification certificate and duplicate personal identification certificate issued to a person seeking the certificate for the purpose of voting is unknown because it is not known how many people would make a request for a personal identification certificate for voting.

Technology

The technology fiscal impact of the bill is estimated to be \$24,000 for programming costs associated with creating an indicator on voter registration certificates for voters with certain disabilities. The notification would inform election officers at polling places that voters with certain disabilities are exempted from presenting additional identification other than the voter registration certificate. The Secretary of State indicates that federal funds associated with the Help America Vote Act (HAVA) may be available for use but the agency would first need to verify this with the federal government.

It is assumed that the state's online portal would need to be modified to allow the Department of Public Safety (DPS) to transmit photographs to be printed on duplicate personal identification certificates. If the DPS and the state's online portal systems are compatible for transmission, it is assumed that the fiscal impact of this could be absorbed within existing resources. If the systems are not compatible, it is assumed there would be additional costs.

Local Government Impact

The bill would require counties to notify registered voters of changes online if the county maintains a website, at polling locations, and included with voter registration certificates. Election clerks would be required to undergo training regarding accepted forms of voter identification. The bill would also require an applicant who wishes to receive an exemption from certain voter identification requirements on the basis of disability to include with the person's application documentation that the applicant has been determined to have a disability.

Texas Association of Counties (TAC) gathered the following information from counties:

Bexar County stated that due to limited space on current registration certificates, larger cards would be necessary resulting in additional costs of \$381,256 for cards, printing and postage. Bexar County also reported costs of \$1,500 for providing voter ID informational posters in Spanish and English in 24-point font, and \$2,500 in new costs per election regarding printing new forms and provisional envelopes for information for voters not accepted for voting because of failure to present the required identification. Bexar County also anticipates \$50,000 in new costs associated with scanning disability affidavits and another \$50,000 associated with being required to validate provisional envelopes.

Brazoria County estimated that the county clerk would be responsible \$1,500 in new costs to reprint provisional envelopes. The Brazoria County Tax Assessor-Collector anticipates \$40,159 in new costs associated with printing provisional envelopes, in addition to the costs of printing new voter information (Brazoria County reported that these costs would vary depending on the specific requirements of the information to be provided).

Tarrant County anticipated a one-time cost of \$8,000 to reprint provisional balloting materials and provide new notices.

Comal County anticipated approximately \$30,000 in new costs per election for staff at voting precincts and the early voting ballot board. The Comal County Tax Office reported costs of \$2,860 to print identification requirements, \$22,700 for envelopes, and \$19,880 for postage to comply with the provisions of the bill.

Source Agencies: 307 Secretary of State, 313 Department of Information Resources, 405 Department of Public Safety

LBB Staff: JOB, SD, MS, BTA, KKR

EXHIBIT 13

13-1

2014 Voter Education Campaign Phase 1- about \$400,000 (HAVA)

- I. Paid Media
 - A. Used TV, Radio, Print and Online advertising
 - B. Generated more than 14 million impressions
 - C. Leveraged PSA to double budget, usually received a 1 for 1 match
 - D. Targeted rural voters, African American voters, and Hispanics
 - E. All paid media in English and Spanish
 - F. The ads polled well in post-phase I research. When shown the TV ad, 4 out of 5 said they felt favorable to the TV ad and 3 out of 4 found the ad informative and easy to understand.
- II. Earned Media
 - A. Secretary Berry visited more than 7 media markets across the state to promote voter education and knowledge of photo ID requirements
 - B. press releases sent and printed throughout the state
 - C. Secretary Berry wrote an op-ed which appeared in the Houston Chronicle.
 - D. Radio tours where Secretary Steen called radio stations across the state for interviews publicizing the photo ID requirements
 - E. Media releases for all our EIC locations, and Houston Press Conference for EIC mobile station kickoff
- III. Web and Social Media
 - A. frequent photo ID messages and reminders posted to our established VoteTexas twitter and facebook and reweeted through SOS twitter account
 - B. early use of VoteTexas Instagram to encourage voting, role will be expanded in phase II of the campaign
 - C. VoteTexas app updated and reflected photo ID info

13-2

2014 Voter Education Campaign Phase II- about \$1.6 million (HAVA)

Please note: Phase II is in the planning stage

- I. Paid Media
 - A. continue to use TV, Radio, Print and Online advertising
 - B. focus outreach on Hispanic voters, African American Voters, rural voters and young voters
 - C. Will likely continue to use the same advertisements as phase I as those were well received and effective
 - D. May use other forms of paid media such as outdoor advertising and direct mail to get the word out
- II. Earned Media
 - A. Secretary Berry will continue to travel the state to promote voter education
 - B. PR efforts to remind people of May 10 and May 27 elections
 - C. we will continue to distribute and promote press releases sent and printed throughout the state
 - D. Op-eds from Secretary Berry and possibly other opinion leaders
 - E. Radio tours where Secretary Steen called radio stations across the state for interviews publicizing the photo ID requirements
 - F. Media releases for all our EIC locations
 - G. outreach and information kits to stakeholders such as faith groups, community groups, elected officials, appropriate opinion leaders
 - H. Special events to help promote VoteTexas resources
- III. Web and Social Media
 - A. frequent photo ID messages and reminders posted to our established VoteTexas twitter and facebook and reweeted through SOS twitter account
 - B. expanded use of Instagram account to compliment other social media activities
 - C. Continue to update and promote photo ID educational materials on VoteTexas.gov

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FALL 2013 Campaign \$400,000 (all non-HAVA money)

- I. Paid Media
 - A. Used TV, Radio, Print and Online advertising
 - B. Generated more than 25 million impressions
 - C. Leveraged PSA to double budget, usually received a 1 for 1 match
 - D. Reached 251 counties through TV or Radio*
 - E. Targeted rural voters, African American voters, and Hispanics
 - F. All paid media in English and Spanish
 - G. Some print items also produced in Vietnamese and Mandarin
- II. Earned Media
 - A. Secretary Steen visited more than one dozen media markets across the state for events to promote voter education and knowledge of photo ID requirements(list below)
 - B. press releases and op-eds from Secretary Steen sent and then printed throughout the state
 - C. Info packets given to House and Senate members including draft releases about photo ID which were distributed and used across the state
 - D. Radio tours where Secretary Steen called radio stations across the state for interviews publicizing the photo ID requirements, redistributed by DPS
 - E. Media releases for all our EIC locations, and Houston Press Conference for EIC mobile station kickoff
- III. Web Social Media
 - A. frequent photo ID messages and reminders posted to our established VoteTexas twitter and facebook and reweeted through SOS twitter account
 - B. updates of photo ID info and EIC locations on VoteTexas.gov
 - C. VoteTexas app updated and reflected photo ID info
 - D. Resources such as photo ID TV and Radio educational ads, posters, and other tools were added to the Resources Section of VoteTexas.gov and promoted to county election officials and other stakeholder groups and the media.

*The three counties not reached through TV or Radio are: Zavala, Crane, Terrell. These counties were reached through other efforts.

Places Secretary Steen Visited on photo ID education tour: San Antonio, Corpus Christi, Pharr, Fort Bend, Midland, Dallas, Fort Worth, Wichita Falls, Austin, Abilene, Eastland, Weatherford, Amarillo, Lubbock, Del Rio, Kingsville, Houston

Media/Public Outreach: Election Identification Certificates*Texas Department of Public Safety*

August 30, 2012 – May 19, 2014

Aug 2012 – Present	DPS Media and Communications Office fielded a variety of media inquiries related to election identification certificates (EIC)
2012	Posted language on DPS website explaining the status of SB14, in that it was pending litigation.
06.25.13	DPS issues statewide <u>press release</u> announcing EICs will be available at all driver license offices beginning 6.26.13. Press release explains that a photo id is now required for voting in elections in Texas; explains eligibility, application process and requirements; and other facts regarding the issuance and use of the EIC
06.25.13 – Present	SE Troopers conduct various interviews regarding EIC availability
06.25.13	DPS issues Tweet related to EICs
08.02.13	DPS issues Tweet related to EICs
08.07.13	DPS issues Tweet related to EICs
08.21.13	DPS issues Tweet related to EICs
09.04.13	DPS issues Tweet related to EICs
09.13.13	DPS issues statewide <u>press release</u> : “Select Driver License Offices Open Saturdays to Issue Election Identification Certificates”
09.13.13	DPS issues Tweet related to EICs
09.13.13	DPS issues Facebook post related to EICs
09.24.13	DPS issues statewide <u>press release</u> : “Mobile Stations to Issue Election Identification Certificates Across Texas Beginning Oct. 1”
09.20.13	DPS issues Tweet related to EICs
09.24.13	DPS issues Tweet related to EICs
09.25.13	DPS issues Facebook post related to EICs
10.08.13	DPS issues Tweet related to EICs
10.21.13	DPS issues Tweet related to EICs

Media/Public Outreach: Election Identification Certificates

Texas Department of Public Safety

August 30, 2012 – May 19, 2014

10.22.13	DPS issues Tweet related to EICs
10.22.13	DPS issues Tweet related to EICs
10.23.13	DPS issues Tweet post related to EICs
10.23.13	DPS issues Tweet post related to EICs
10.23.13	DPS issues Facebook post related to EICs
10.24.13	DPS issues Tweet post related to EICs
10.24.13	DPS issues Facebook post related to EICs
10.25.13	DPS issues statewide <u>press release</u> : “REMINDER: Select Driver License Offices Open Saturdays to Issue Election Identification Certificates; <i>Certificates also available at mobile stations, select county locations throughout the state</i> ”
10.25.13 – 11.05.13	DPS issues local press releases announcing county-run EIC operations, providing county contact information
10.25.13 – 11.05.13	DPS issues local press releases announcing DPS mobile station locations / schedules in counties w/o a DL Office
10.25.13 – 11.05.13	DPS issues “In Case You Missed It” press releases highlighting Secretary of State press releases, announcing 25 mobile station locations/schedules in select areas of the state
10.25.13	DPS issues Tweet related to EICs
10.25.13	DPS issues Tweet related to EICs
10.25.13	DPS issues Facebook post related to EICs
10.25.13	DPS issues Facebook post related to EICs
10.28.13	DPS issues Tweet related to EICs
10.29.13	DPS issues Tweet related to EICs
10.29.13	DPS issues Facebook post related to EICs
10.30.13	DPS issues Tweet related to EICs

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Media/Public Outreach: Election Identification Certificates*Texas Department of Public Safety*

August 30, 2012 – May 19, 2014

10.31.13	DPS issues Tweet related to EICs
10.31.13	DPS issues Facebook post related to EICs
11.04.13	DPS issues Tweet related to EICs
11.04.13	DPS issues Facebook post related to EICs
01.29.14	DPS issues statewide <u>press release</u> : “DPS Reminds Texans: Election Identification Certificates Available at Driver License Offices”
01.29.14	DPS issues Tweet related to EICs
01.29.14	DPS issues Facebook post related to EICs
01.29.14	DPS issues Facebook post related to EICs
01.29.14	DPS issues Facebook post related to EICs
02.03.14	DPS issues statewide <u>press release</u> : “Select Driver License Offices Open Saturdays to Issue Election Identification Certificates; <i>Certificates also available at mobile stations, select county locations</i> ”
02.03.14	DPS issues Tweet related to EICs
02.03.14	DPS issues Facebook post related to EICs
02.03.14 – 03.04.14	DPS issues local press releases announcing county-run EIC operations, providing county contact information
02.03.14–03.04.14	DPS issues local press releases announcing DPS mobile station locations / schedules in counties w/o a DL Office
02.05.14	DPS issues Tweet related to EICs
02.06.14	DPS issues Tweet related to EICs
02.06.14	DPS issues Tweet related to EICs
02.06.14	DPS issues Facebook post related to EICs
02.10.14	DPS issues Tweet related to EICs
02.10.14	DPS issues Facebook post related to EICs

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Media/Public Outreach: Election Identification Certificates*Texas Department of Public Safety*

August 30, 2012 – May 19, 2014

02.12.14	DPS issues Tweet related to EICs
02.14.14	DPS issues Tweet related to EICs
02.14.14	DPS issues Facebook post related to EICs
02.18.14	DPS issues statewide <u>press release</u> : “DPS Reminds Texans: Election Identification Certificates Available at Driver License Offices, Mobile Stations”
02.18.14	DPS issues Tweet related to EICs
02.18.14	DPS issues Tweet related to EICs
02.18.14	DPS issues Facebook post related to EICs
02.19.14	DPS issues Tweet related to EICs
02.21.14	DPS issues Facebook post related to EICs
02.21.14	DPS issues Tweet related to EICs
02.24.14	DPS issues Tweet related to EICs
02.24.14	DPS issues Facebook post related to EICs
02.26.14	DPS issues Tweet related to EICs
03.03.14	DPS issues Tweet related to EICs
03.03.14	DPS issues Facebook post related to EICs
04.17.14	DPS issues statewide <u>press release</u> : “DPS Reminds Texans: Election Identification Certificates Available at Driver License Offices”
04.17.14	DPS issues Tweet related to EICs
04.17.14	DPS issues Facebook post related to EICs
04.23.14	DPS issues statewide <u>press release</u> : “Select Driver License Offices Open Saturdays to Issue Election Identification Certificates; <i>Certificates also available at mobile stations, select county locations</i> ”

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Media/Public Outreach: Election Identification Certificates*Texas Department of Public Safety*

August 30, 2012 – May 19, 2014

04.23.14	DPS issues Tweet related to EICs
04.23.14	DPS issues Facebook post related to EICs
04.23.14	DPS begins issuing local press releases announcing county-run EIC operations, providing county contact information
04.28.14	DPS issues Tweet related to EICs
04.30.14	DPS issues Tweet related to EICs
05.01.14	DPS issues Facebook post related to EICs
05.02.14	DPS issues Tweet related to EICs
05.05.14	DPS issues Tweet related to EICs
05.06.14	DPS issues Facebook post related to EICs
05.07.14	DPS issues Tweet related to EICs
05.09.14	DPS issues Tweet related to EICs
05.12.14	DPS issues Tweet related to EICs
05.14.14	DPS issues Tweet related to EICs
05.13.14	DPS issues Facebook post related to EICs
05.16.14	DPS issues Tweet related to EICs
05.16.14 - 05.27.14	DPS to continue issuing regular Tweets and Facebook posts related to EICs

TRANSCRIPT OF PROCEEDINGS BEFORE
THE SENATE OF THE STATE OF TEXAS
EIGHTY-SECOND LEGISLATURE
(COMMITTEE OF THE WHOLE SENATE)
AUSTIN, TEXAS

IN RE:

CONSIDERATION OF
SENATE BILL 14

§
§
§
§



COMMITTEE OF THE WHOLE SENATE
TUESDAY, JANUARY 25, 2011

BE IT REMEMBERED THAT AT 8:05 a.m., on Tuesday, the 25th day of January 2011, the above-entitled matter continued at the Texas State Capitol, Senate Chamber, Austin, Texas, before the Committee of the Whole Senate. The following proceedings were reported by Aloma J. Kennedy, Lorrie A. Schnoor and Kim Pence, Certified Shorthand Reporters.

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CONSIDERATION OF SENATE BILL 14 1/25/2011

1 SEN. WENTWORTH: And then you found a new
2 location on Pat Booker Road out near Randolph Air Force
3 Base, and my constituents are very pleased with that
4 improvement and were grateful that that improvement has
5 been made.

6 MS. DAVIO: Thank you so much.

7 SEN. WENTWORTH: Thank you.

8 MS. DAVIO: I appreciate that. It's nice
9 to hear a good story.

10 SEN. WENTWORTH: You bet.

11 CHAIRMAN DUNCAN: Thank you, Senator
12 Wentworth.

13 Are there any other questions of the
14 resource witness?

15 (No response)

16 CHAIRMAN DUNCAN: All right. Thank you
17 very much, Ms. Davio.

18 MS. DAVIO: Uh-huh.

19 CHAIRMAN DUNCAN: All right. The Chair
20 calls Ann McGeehan, Secretary of State's Office. If
21 you'll state your name and who you represent, please.

22 TESTIMONY BY ANN MCGEEHAN

23 MS. MCGEEHAN: Ann McGeehan, and I'm
24 Director of Elections in the Texas Secretary of State's
25 Office.

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 CHAIRMAN DUNCAN: All right. Thank you,
2 Ms. McGeehan.

3 The Chair recognizes Senator Davis.

4 QUESTIONS FROM SENATE FLOOR

5 SEN. DAVIS: Hello. Good evening. Thank
6 you so much for being here with us to provide answers
7 for our questions. I know you've had a long day.

8 I just want to ask you a few questions
9 about the current state of voter education as its taking
10 place today in the Secretary of State's Office. Can you
11 describe for us the use of the HAVA funds and how those
12 are currently being used today?

13 MS. MCGEEHAN: We received -- when
14 Congress passed the Help America Vote Act, the state of
15 Texas received a set amount of funds. And pursuant to
16 the Help America Vote Act, there are certain purpose
17 areas that we can use those funds for, and one of the
18 purpose areas is voter education. So since two -- we
19 have conducted three statewide education -- voter
20 education programs, one in 2006, one in 2008 and one in
21 2010 using those federal dollars. And they have been --
22 we've worked with a public education firm to do
23 research, and then they develop creative material. We
24 run PSAs on TV, radio. In this last cycle, 2010, we
25 used the Internet quite a bit as well.

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CONSIDERATION OF SENATE BILL 14 1/25/2011

1 SEN. DAVIS: And how many people do you
2 think you reach through your voter education efforts
3 right now? And how much have each of those cycles of
4 voter education effort cost?

5 MS. MCGEEHAN: The average cost is about
6 \$3 million for each one, around that amount. As far as
7 the number of people we've touched through the campaign,
8 we do have some reports on that. I don't have that
9 number at my fingertip, but we have a report for each
10 one of the voter education campaigns that talks a little
11 bit about the effectiveness and how many people saw the
12 media spots and things of that nature.

13 SEN. DAVIS: And are the Help America Vote
14 Act funds funds that are continually given to the state
15 from the federal government, or was it a one-time
16 disbursement that's been used over the course of those
17 three cycles?

18 MS. MCGEEHAN: It was authorized in that
19 one bill. We've received it in about three or four
20 separate payments. We don't contemplate that we're
21 going to be receiving any more.

22 SEN. DAVIS: And what was the total amount
23 that was given to Texas?

24 MS. MCGEEHAN: Let me grab that. The
25 total amount for all the purpose areas is \$224,092,477.

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CONSIDERATION OF SENATE BILL 14 1/25/2011

1 SEN. DAVIS: That's the amount that was
2 given to the state of Texas?

3 MS. MCGEEHAN: Yes.

4 SEN. DAVIS: Okay. And so of that amount,
5 how much have we spent so far?

6 MS. MCGEEHAN: Let's see here. We -- I
7 think we have spent \$177,798,488.

8 SEN. DAVIS: Okay. And you described
9 spending about \$3 million over the last three two-year
10 cycles. How have we spent the balance of that?

11 MS. MCGEEHAN: Well, I mean, the bulk of
12 the money or about half of the money went to counties to
13 obtain HAVA compliant voting systems, electronic voting
14 systems that made -- that complied with HAVA and allowed
15 disabled voters to vote independently. So let's see.
16 \$140 million went to the counties for that purpose.

17 The other program areas are for developing
18 a statewide voter registration system. We've spent
19 25 million on that. And then as far as the
20 administrative expenses, we've spent about 2.8 million
21 on that. For voter education, we've spent 9.5 million
22 so far.

23 SEN. DAVIS: And what are the -- setting
24 aside the requirements of the bill that's being
25 introduced today, what are the intended plans for the

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CONSIDERATION OF SENATE BILL 14 1/25/2011

1 balance of that money? Were this bill not to come
2 forward to your department, what would the intended use
3 for those funds be?

4 MS. MCGEEHAN: I can't speak necessarily
5 for, you know, exactly what would be done in the next
6 general election cycle, but I would contemplate we would
7 do another statewide voter education program in 2012,
8 and if funds remained in 2014.

9 SEN. DAVIS: Is there a plan for ongoing
10 capital expenditures as you talked about, which was the
11 use of the bulk of the funds that we've received so far?

12 MS. MCGEEHAN: Yeah. There are --
13 there's 24 -- roughly \$24 million left in the -- in the
14 purpose area for grants to counties to obtain voting
15 equipment.

16 SEN. DAVIS: Okay. And so after you take
17 out that 24 million, what will the balance be that
18 remains for voter education efforts?

19 MS. MCGEEHAN: Well, that's -- that's
20 already frozen as far as the -- in order to draw down
21 those funds, the state had to submit a state plan. We
22 had to meet with stakeholders, publish in the Register
23 and submit it to the Election Assistance Commission.
24 And so pursuant to that state plan, we had to define how
25 we were going to spend the money, and so these -- the

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CONSIDERATION OF SENATE BILL 14 1/25/2011

1 budget that I discussed is following that state plan.

2 SEN. DAVIS: Okay. And under that state
3 plan right now, what portion of funding remains for
4 voter education?

5 MS. MCGEEHAN: For voter -- okay. And
6 actually to be more precise, what the -- the purpose
7 area for voter education is for voter education and also
8 for election official and poll worker training; that's
9 grouped. And the amount remaining is between 5 and
10 \$7 million.

11 SEN. DAVIS: Okay. And that is expected
12 to extend us or to take us through the next how many
13 years under that plan?

14 MS. MCGEEHAN: It will -- again, it's
15 going to depend how extensive our next few voter
16 education programs are because that's what the bulk of
17 the money has been spent on, voter education programs.
18 The average is about 3 million. So I guess the hope
19 might be for at least two other statewide voter
20 education programs.

21 SEN. DAVIS: Okay. And I'm sure you've
22 seen the fiscal note that was a part of this bill. And
23 by the way, I think it would be very helpful if you
24 would enter that state plan into the record as an
25 exhibit for our further use.

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1 I'm sure you've seen the fiscal note that
2 came as a part of this bill in terms of the expected
3 expenditures. Part of that note talks about a fiscal
4 impact that's related to researching and developing ways
5 to inform the public of the new ID requirements. That's
6 \$.5 million expenditure, an additional cost of
7 1.5 million for media advertisements, television, radio,
8 print and Internet. That's specifically to educate
9 voters about the new requirements under this bill.

10 What will go undone that's currently in
11 the state plan -- if we take 2 million of the 5 million
12 remaining, what will go undone that's currently in the
13 state plan in terms of voter education effort?

14 MS. MCGEEHAN: I don't know that I have an
15 exact answer to that. If we're able to incorporate the
16 new voter ID requirements that would be required by this
17 bill into a voter education program, then maybe we
18 wouldn't need 2 million just for the voter ID. We could
19 parlay that into the -- basically the voter education
20 campaigns that we've done or the voter education
21 programs have been to educate voters on the basic rights
22 on how to vote, what you need to vote. So it may not be
23 such an extension to incorporate these new requirements
24 for voter ID, or they may. I mean, depending on the
25 research that we get back from stakeholders and whatnot,

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1 but it's hard for me to say today exactly how much that
2 may take away from future voter education efforts.

3 SEN. DAVIS: When was the last time in the
4 state of Texas we made any changes of significance to
5 the voter rules?

6 MS. MCGEEHAN: Probably the -- when we had
7 to implement the federal Help America Vote Act. That's
8 when provisional voting became a requirement. There
9 were significant changes to voter registration as to
10 what's required to become a registered voter, and that's
11 why we have these HAVA dollars for voter education.

12 SEN. DAVIS: And that began in '06.
13 Correct?

14 MS. MCGEEHAN: Correct.

15 SEN. DAVIS: Okay. In '06, the Texas
16 voter registration application form changed in
17 accordance with those requirements, it's my
18 understanding, and that's when we began to collect this
19 data that requested a driver's license number or a
20 social security number. Is that's correct?

21 MS. MCGEEHAN: That's correct.

22 SEN. DAVIS: Okay. So we have data, I
23 guess, only from '06, and that would -- would that only
24 be then for new registrants from '06? If I had already
25 registered to vote prior to that, you wouldn't have that

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1 information from me.

2 MS. MCGEEHAN: That's right.

3 SEN. DAVIS: Correct?

4 MS. MCGEEHAN: That's right. It was
5 voluntary before. So we have some TDLs and SSN numbers
6 from -- but it wasn't required until 2006.

7 SEN. DAVIS: So we've been able to gather
8 that information from that point in time for people who
9 are newly registering to vote in the state of Texas. Of
10 that group, how many people or what percentage of people
11 are answering one or both of those questions in response
12 to No. 8 versus signing the attestation clause in
13 Section No. 9?

14 MS. MCGEEHAN: Are you asking the number
15 of --

16 SEN. DAVIS: Let me -- let me break it
17 down better.

18 MS. MCGEEHAN: Okay. Okay.

19 SEN. DAVIS: So under Question No. 8, what
20 percentage of people currently, who are requesting a
21 voter registration card, who are filling out the
22 application starting in '06 with this new form, what
23 percentage of people are providing their Texas driver's
24 license in response to the questions on the application?

25 MS. MCGEEHAN: Okay. I don't have the

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1 percent number, but the actual number is 2.3 million
2 since 2006. Since January 1, 2006 through December 31,
3 2010, 2.3 million, when they registered, provided their
4 driver's license number.

5 SEN. DAVIS: What's the total number of
6 applications in that time period?

7 MS. MCGEEHAN: And the total number -- I
8 think it's going to be just under 3 million, and I'm
9 doing math on the fly. I might have to -- I'd prefer to
10 give that --

11 SEN. DAVIS: Can you provide that
12 information --

13 MS. MCGEEHAN: Yes.

14 SEN. DAVIS: -- to us?

15 MS. MCGEEHAN: Yes.

16 SEN. DAVIS: That would be appreciated.

17 So what's the number of people who are not
18 filling out either the driver's license number or the
19 social security number in Section 8 but instead are
20 going to Section 9 and signing the attestation clause of
21 Section 9?

22 MS. MCGEEHAN: And that's the attestation
23 clause saying they have not been issued either form of
24 ID?

25 SEN. DAVIS: (Nodded)

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1 MS. MCGEEHAN: Yeah, that number is
2 34,506.

3 SEN. DAVIS: Okay. Do we have any -- any
4 estimate of the number of people who are currently
5 registered today? If we've only been gathering that
6 information since 2006, do we have any kind of an
7 estimate of the number of people who are currently
8 registered to vote today who do not have a driver's
9 license number to provide?

10 MS. MCGEEHAN: Well, if we -- if we look
11 at our entire statewide file, we have 5.2 million voters
12 that did provide a driver's license number or an ID
13 number. We have 2.1 million voters that present -- that
14 provided a social security number. 4 million of them
15 provided both. And then the numbers that have
16 neither -- or the voters that hadn't provided either one
17 is 690,887. So it doesn't necessarily mean that those
18 people haven't been issued, but they didn't -- either
19 they don't have those numbers or they registered before
20 it was required, and so they didn't provide them when
21 they registered if it was pre-2006.

22 SEN. DAVIS: But the question wasn't
23 asked. It was -- I guess as you said, you could
24 voluntarily provide that information prior to '06.

25 MS. MCGEEHAN: Well, it was asked, but it

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1 was optional. It was on the form.

2 SEN. DAVIS: Uh-huh. Okay. So we really
3 don't know how many of that group were answering the
4 question voluntarily because they have the number versus
5 those who were not answering it, not because they chose
6 to, but because they did have their driver's license
7 number?

8 MS. MCGEEHAN: Yes, you are correct.
9 That's right.

10 SEN. DAVIS: So when we're putting
11 together an estimate of what the cost to educate our
12 voters is going to be and when we think about how
13 significant the changes are that are addressed in this
14 bill, what's your -- what's your process been to try to
15 determine how many people will be impacted and what that
16 voter education is going to need to look like?

17 MS. MCGEEHAN: Well, we -- I mean, to be
18 very honest, we haven't done much planning yet. We
19 prepared this fiscal note on Friday. That would be
20 obviously a very important component is trying to
21 identify who the appropriate audiences are, who you need
22 to get the information out to.

23 Senator Williams had approached us earlier
24 today to see if we could do some comparisons to try and
25 further focus in on who those registered voters are that

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1 don't have -- or have not been issued a driver's license
2 or a personal ID number. So we're trying to run some of
3 those numbers right now.

4 SEN. DAVIS: I guess a confusion for me is
5 how we came up with the \$2 million fiscal note for that
6 and yet we don't really know, as you said a moment ago
7 we don't really know how many people will be impacted by
8 it and what that statewide voter education effort is
9 going to need to look like. So where did the \$2 million
10 number come from?

11 MS. MCGEEHAN: Well, the \$2 million number
12 came from the way the bill is written because the bill
13 simply says "a statewide voter education effort." So
14 there's not too much detail in the bill as to what's
15 required. Our assumption is that our previous voter
16 education programs might be the model, and they've been
17 around 3 million. And plus, we also noticed that last
18 session the Senate put a \$2 million fiscal note on it.
19 So we thought, well, maybe that's some representation of
20 legislative intent as to what an appropriate voter
21 education program might cost, but --

22 SEN. DAVIS: So we've had voter education
23 efforts in the past that have cost about \$3 million each
24 time we've engaged in the voter education effort. We're
25 talking today about making some sweeping changes to

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1 what's required in order to vote in the state of Texas.
2 Why is the number to educate -- on such a sweeping
3 change for what will likely be a much larger group of
4 impacted people in the state of Texas, why is that
5 number so much lower than the \$3 million number that's
6 currently being spent for voter education?

7 MS. MCGEEHAN: Well, if the -- if a
8 \$2 million program is added into an existing \$3 million
9 program, then you've got a \$5 million program. I mean,
10 our voter education under HAVA is directed to all
11 registered voters. And so, you know, a new voter -- a
12 new photo ID requirement would also need to be directed
13 to all registered voters because it's a change for all
14 voters.

15 SEN. DAVIS: So we're talking about -- I'm
16 sorry to interrupt you. We're talking a \$2 million
17 addition to the \$3 million that was already intended for
18 voter education in this next two-year cycle.

19 MS. MCGEEHAN: Possibly, possibly. I
20 mean, we -- you know, we've got a communications
21 director that would have some input on that. This
22 fiscal note represented what we thought might be a
23 reasonable fiscal note. If we have, you know,
24 legislative direction to take it a different way or do
25 additional outreach, that's fine. But based on the way

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1 the bill was written and based on the fiscal note filed
2 last time, we thought that was a reasonable number.

3 SEN. DAVIS: So let's say we spend about a
4 total of \$5 million in the next two years with our
5 intended voter education effort that's already been
6 planned and with an additional cost for educating on the
7 requirements of this proposed new law. That's about the
8 balance of the voter education fund right now. Is that
9 correct?

10 MS. MCGEEHAN: Well, it's about -- we've
11 spent 9 million. I think the balance -- yeah, the
12 balance is between 5 and 7 million. That's correct.

13 SEN. DAVIS: Okay. So that will take us
14 through about what -- how long of a period of time will
15 that take us through?

16 MS. MCGEEHAN: If we used 5 million to do
17 a voter -- a general voter education plan and then
18 another 2 million to do a detailed photo -- photo
19 identification plan, that might -- that might use it up.

20 SEN. DAVIS: And if it uses it up, what
21 will we do in future years to educate our voters about
22 these requirements?

23 MS. MCGEEHAN: Well, frankly -- I mean,
24 state law has never appropriated state funds to educate
25 voters. So, you know, these federal funds have been

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1 really nice to have them to do that. We never had that
2 kind of funding before. So if there's a desire to do
3 voter education programs of this -- of this type, then
4 we would need state appropriation.

5 SEN. DAVIS: So these federal funds will
6 take us basically through a one-time voter education
7 drive on the requirements of this new law, but it's not
8 going to take us further than that?

9 MS. MCGEEHAN: Not if we use it all,
10 not -- it could possibly use up the remainder of the
11 voter education funds.

12 SEN. DAVIS: Okay. So we've talked about
13 the voter education. Talk to us a little bit about the
14 costs of training the poll workers and the registrars.

15 MS. MCGEEHAN: We currently have several
16 training programs for -- well, we have training programs
17 for the county election officials and then other
18 training programs for the poll workers. We have an
19 online training program. We have a video. We have
20 handbooks. So we would have to update all of those --
21 all those different formats of training.

22 SEN. DAVIS: And what's the anticipated
23 costs for updating all those forms of training?

24 MS. MCGEEHAN: We don't usually put a
25 fiscal note when there's a change in state law and we

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1 have to change and update training like that because at
2 least it's always been considered that is part of our
3 mandate in election administration. So when we get
4 appropriation under the election administration
5 umbrella, our statutory mandate is to train and assist
6 election authorities.

7 SEN. DAVIS: And what's happened to
8 your -- your budget, not only in this current biennium
9 that we're in, but the proposed budget going forward?

10 MS. MCGEEHAN: We're still digesting that
11 as far as on the House side. I don't know about the
12 Senate side yet. But on the House side, I believe we
13 took about a 14.5 percent budget reduction on the
14 House -- HB 1 bill.

15 SEN. DAVIS: So we're talking about a
16 fairly dramatic budget cut for your agency while at the
17 same time we are talking about adding some very
18 significant requirements in terms of the changes that
19 you would need to make to your training programs and
20 materials for purposes of educating election workers and
21 county administrators on the new rules that would be
22 implemented in this bill?

23 MS. MCGEEHAN: That's correct.

24 SEN. DAVIS: And there's no fiscal note
25 currently estimated for what that cost might be?

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1 MS. MCGEEHAN: It's my understanding that
2 when we've been asked to prepare fiscal notes for these
3 kinds of issues, we have not added a fiscal impact for
4 something that's already a statutory duty. As we
5 analyze HB 1, maybe we're going to have to revise that,
6 but at least our standing policy was if it was a
7 statutory duty that we're already charged to do, that we
8 don't put an additional fiscal note on it.

9 SEN. DAVIS: Are you concerned that you're
10 going to find yourselves fairly flatfooted in terms of
11 not being prepared with the resources that you need, to
12 train election workers and to train county
13 administrators on the requirements of this new law
14 facing the budget cuts that you're facing without a
15 fiscal note that's going to add resources to your
16 department for purposes of carrying out these
17 requirements?

18 MS. MCGEEHAN: I think all state agencies
19 in the state have concerns about providing the services
20 they are charged to provide in light of significant
21 budget cuts. But on the issue of training, the analysis
22 was that that was not going to cost anything additional
23 as to what we've already been appropriated.

24 SEN. DAVIS: And do you agree with that,
25 that it's not going to cost anything additional for your

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1 agency to provide the training for the significant
2 changes in the law that will be imposed if this bill is
3 passed into law?

4 MS. MCGEEHAN: Well, after every session,
5 we have to change all our materials. And, you know,
6 maybe I can talk to our fiscal officer and maybe we'll
7 start putting in fiscal notes for these kinds of things,
8 but it has been our policy not to add a fiscal note for
9 something we're currently doing under state law and
10 funded for.

11 SEN. DAVIS: And so the change in
12 materials is all that would occur? If I'm an election
13 worker in the state of Texas and I'm facing some pretty
14 significant changes -- and I have to tell you I've read
15 this bill numerous times, and I'm still confused in
16 terms of what it would require of me as an election
17 worker. Is that the only costs that we assume will be
18 incurred, is the cost of the change of the material?
19 Isn't there some training -- active training that has to
20 occur to be able to make sure that the election workers
21 and the county administrators who are tasked with
22 carrying out this new law will understand exactly what's
23 expected of them in terms of its implementation?

24 MS. MCGEEHAN: We do -- we do, I think,
25 pretty extensive training right now. I mean, in an odd

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1 numbered year, we hold four seminars, and we have very
2 good attendance from our county election officials. So
3 I would be certain that our August county election
4 official seminar will be heavily -- if this passes will
5 heavily emphasize these new rules.

6 To go back to the federal funds, which we
7 know are limited, the grant for voter education also
8 includes election official training and poll worker
9 training. So if there are any remaining HAVA dollars in
10 that category that we don't use on voter education, we
11 could perhaps use to additional -- to develop additional
12 training materials.

13 SEN. DAVIS: Yes, and we talked about that
14 a moment ago, and you did state on the record that that
15 category of 5 to \$7 million that's remaining is the
16 entirety of the federal resource that you have available
17 to you right now, both for voter education and for
18 training purposes. And we've also talked about the fact
19 that the expectation and the demand on that particular
20 fund for public education is going to take the
21 significant balance that remains there. Correct?

22 MS. MCGEEHAN: Right. Well, just to be
23 clear, the remaining balance in the HAVA is all we have
24 for voter education, but there are some state funds -- I
25 don't think it's a lot -- but that would go towards

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1 updating handbooks and video and things likes that that
2 we normally produce as training materials.

3 SEN. DAVIS: When the Help America Vote
4 Act was implemented and in '06, as you said, that was
5 the first significant change that's been made or it's
6 the most recent significant change that's been made in
7 election laws in the state of Texas in terms of the
8 requirements of your agency and the training of your
9 agency, did the costs that your agency realize as a
10 result of the training component for HAVA increase as a
11 result of those new requirements?

12 MS. MCGEEHAN: We -- what we did do was
13 develop an online training component. So we used a
14 portion of the HAVA dollars to develop an online
15 training component, which was in addition to our other
16 training. I could get -- I don't know the cost of that,
17 but I could get you the cost.

18 SEN. DAVIS: It would be a helpful number
19 to have.

20 There's also a discussion in terms of the
21 fiscal note on this bill, including a coordinated voter
22 registration drive or other activities that would be
23 designed to expand voter registration. What would the
24 costs of such a registration drive be? It's on Page 2
25 of the fiscal note.

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1 MS. MCGEEHAN: Okay. I think that what
2 that is referring to is that at the end of Senate
3 Bill 14, there's a reference that says county voter
4 registrars can use Chapter 19 funds to defray costs in
5 conducting a voter registration drive. But I don't see
6 anything -- and I may have missed it -- but I don't see
7 anything in Senate Bill 14 that requires a voter
8 registration drive. I think it's -- what that section
9 in the bill is doing is trying to make clear that these
10 funds, which are -- go to county voter registrars to
11 enhance voter registration could be used to do voter
12 registration drives, but I don't see anything that
13 requires a voter registration drive in Senate Bill 14.

14 SEN. DAVIS: What resources currently are
15 expected of our local governments in carrying out the
16 training and the public awareness programs under our
17 election code.

18 MS. MCGEEHAN: The -- there's no state law
19 requirement to do voter education by the county
20 officials. Most of them do it as a public service
21 because they want to, but there's not a mandate under
22 state law to do that.

23 Under Senate Bill 14, there's required
24 training of poll workers on the new photo ID
25 requirements. And I may have missed part of your

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1 question.

2 SEN. DAVIS: And that required training is
3 to be done at the county level. It's expected that the
4 county will fulfill that requirement through their own
5 resources?

6 MS. MCGEEHAN: Well, they are required to
7 use the Secretary of State materials. I think that the
8 election code gives them discretion as to how they
9 implement it and how they conduct their training.

10 SEN. DAVIS: So it's foreseeable that at
11 the county level increased costs will be realized as a
12 consequence of the expectations of this bill?

13 MS. MCGEEHAN: Most counties conduct
14 training today. So they would just be incorporating
15 another component into their training program.
16 Depending on how they handled it would impact how
17 significant the fiscal impact would be in that county.

18 SEN. DAVIS: If I'm a voter today and I
19 want to go to the bill itself in terms of making sure I
20 understand what would be expected of me under today's
21 rules versus under the rules of the new bill, if I'm a
22 voter today and I come in to vote and I don't have my
23 voter registration card, instead I have an ID, I have a
24 state issued ID, I have a valid driver's license, and my
25 driver's license shows a different name than is

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1 currently on the roll because I've married or I've
2 divorced, how is that situation handled today?

3 MS. MCGEEHAN: State law doesn't directly
4 address it. So I think that as a practical matter
5 what's happening is the poll workers are making judgment
6 calls as they qualify those voters for voting.

7 SEN. DAVIS: But they are not being given
8 guidance or rules or requirements in terms of how they
9 are to deal with that situation today?

10 MS. MCGEEHAN: No.

11 SEN. DAVIS: It's within their discretion?

12 MS. MCGEEHAN: At this point. I mean,
13 state law is silent on it, and our office has not issued
14 any guidance on it. So we're hearing a lot about that
15 today. That's definitely something we'll probably need
16 to look into, but right now there is no rule or statute
17 on that issue.

18 SEN. DAVIS: Okay. And today if I go to
19 vote and my identification that I use for purposes of
20 voting has a different address on it than is listed on
21 the precinct roll, I think it's the interpretation today
22 under 2004 Secretary of State opinion that I am asked
23 for my correct address, and I am to be believed if I say
24 that my address is the address that's on the precinct
25 list as opposed to what might be on my ID?

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1 MS. MCGEEHAN: I think that's basically
2 correct. The purposes -- you know, showing ID today is
3 only for purposes of proving who you are. It's not to
4 prove where you live. So independent from the
5 requirement to show ID, either certificate or one of the
6 other authorized ID, there's a separate requirement in
7 the code where the election -- where the poll worker has
8 to ask every voter "Have you moved," so regardless of
9 what ID they show. And if they say yes, they've moved,
10 then they have to sign a statement of residence and
11 update their information. If they say no, they haven't,
12 they still live at the address on the list of registered
13 voters, then they are permitted to vote.

14 SEN. DAVIS: And what is your
15 understanding of whether -- how or whether that would
16 change under the requirements of the new bill if
17 everyone now is going to come in with a state-issued ID
18 or a driver's license? If the address on that ID does
19 not match the address that's on the voter file, how is
20 that to be handled going forward if this bill were to
21 pass into law?

22 MS. MCGEEHAN: My current understanding is
23 that that process wouldn't change, that the purpose of
24 SB 14 is, again, just to prove up ID, not prove where
25 you reside.

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1 SEN. DAVIS: And what steps would the
2 Secretary of State's Office engage in to assure that the
3 ID wasn't being used to establish an understanding of
4 the voter's residency?

5 MS. MCGEEHAN: Would definitely, I think,
6 be included in our training materials to emphasize that.

7 SEN. DAVIS: Currently, is there any
8 information that the Secretary of State's Office gathers
9 that breaks down by category voters in the state? And
10 when I say "by category," I mean by race, by gender, by
11 disability, by age.

12 MS. MCGEEHAN: We have some information.
13 We have -- we have age for sure. On gender -- we have
14 some information on gender, but it's not conclusive
15 because gender is now -- it used to be a required
16 element on the voter registration application. In 1995,
17 it was taken -- or it became optional after the National
18 Voter Registration Act. So we have some data on gender,
19 but, again, it's not complete.

20 Regarding ethnicity, we really -- we don't
21 have any information like that because it's not
22 collected when a person applies to register to vote.
23 The only data that we do have is we do have the number
24 of voters that have an Hispanic surname. And so we can
25 run the list of registered voters against this list of

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1 Hispanic surnames that is provided by the census
2 department.

3 SEN. DAVIS: I'm sure you understand that
4 one of the sensitive issues that will arise as a
5 consequence of this legislation will be a question as to
6 whether the implementation of this law creates a
7 disproportionate impact on minorities, on seniors, on
8 the disabled, on women. How will the Secretary of
9 State's Office work to be able to answer those questions
10 when they are asked if we currently don't track that
11 data? And is there an intention to track it going
12 forward?

13 MS. MCGEEHAN: When we changed the voter
14 registration application in '94, '95, due to the
15 National Voter Registration Act, there was a long
16 discussion regarding this issue of whether the state
17 application should request a voter's race. The
18 determination at that time, based on feedback from all
19 the stakeholders, was not to do it because the thought
20 was that might be intimidating to a minority voter, "Why
21 are you asking, you know, what my ethnicity is? It
22 doesn't impact whether I can register or not."

23 We can revisit that issue because in order
24 to provide data, you know, if the legislature wants data
25 like that from the Secretary of State's Office, we have

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1 to have some way to collect it. So we could revisit
2 putting that question or adding that as a question to
3 the voter registration application. I'd be happy to
4 visit on ways where we could try and collect that, but
5 right now we would not have the tools that we would need
6 to be able to collect that data.

7 SEN. DAVIS: It seems rather important as
8 implementation of this law advances that that
9 information be made available for the Justice Department
10 review as well as any judicial review that might occur
11 in terms of the impact of the implementation of the law.

12 I believe that's all the questions I have
13 for you. Thank you so much.

14 MS. MCGEEHAN: Thank you.

15 CHAIRMAN DUNCAN: The Chair recognizes
16 Senator West.

17 SEN. WEST: Thank you very much,
18 Mr. Chairman. Many of the questions Senator Davis has
19 already asked, but have you had a chance to look at the
20 bill as introduced?

21 MS. MCGEEHAN: Yes.

22 SEN. WEST: Okay. Do you happen to have
23 it there in front of you?

24 MS. MCGEEHAN: Yes, I do.

25 SEN. WEST: Okay. Great. Before I get

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1 into it, does this bill provide you any rulemaking
2 authority?

3 MS. MCGEEHAN: No.

4 SEN. WEST: Okay. So in interpreting
5 the -- let me back up. Are you often called upon by
6 county registrars to answer questions concerning issues
7 that arise in local counties?

8 MS. MCGEEHAN: Yes.

9 SEN. WEST: How do you normally decide
10 those questions? Do you just look at the black and
11 white law? Do you issue opinions? How is that --
12 what's that process?

13 MS. MCGEEHAN: We issue opinions in a
14 couple of different ways. We have a toll-free number.
15 One is dedicated just for county officials. So if it's
16 a fairly straightforward, simple question, we give a
17 quick answer over the phone. If it's a -- if it's a
18 less involved question, we might get an email. We'll
19 give a response via email. If it's something that's
20 hard or we're really interpreting several different laws
21 or it's a new law and we feel like it has statewide
22 impact, we want to make sure that everyone is operating
23 under the same understanding, we'll issue an advisory.

24 SEN. WEST: Okay. And so an advisory or
25 just depending upon the circumstances maybe an email

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1 opinion or something like that?

2 MS. MCGEEHAN: Well, advisories are
3 usually a little more -- it's like the most formal that
4 we do.

5 SEN. WEST: Right.

6 MS. MCGEEHAN: Yeah. Okay.

7 SEN. WEST: All right. Let me ask you to
8 go to Page 4 of the bill.

9 MS. MCGEEHAN: Okay. Can you tell me the
10 section? Because I think I have a different format.

11 SEN. WEST: Okay. It's Section 7, and
12 Section 7(c) and (d).

13 MS. MCGEEHAN: Okay.

14 SEN. DAVIS: Let me know when you get
15 there.

16 MS. MCGEEHAN: Yes.

17 SEN. WEST: Okay. It's my understanding
18 that the election officer that's being referred to in
19 Section (d) is -- is the individual working at the poll.
20 Is that right?

21 MS. MCGEEHAN: Yes.

22 SEN. WEST: Okay. That person will be
23 called upon in Section (d) to determine if the voter's
24 name is on the precinct list of registered voters, and
25 the voter's identity can be verified from the

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1 documentation presented. Is that correct?

2 MS. MCGEEHAN: Yes.

3 SEN. WEST: Okay. In advising on that,
4 will that be a strict interpretation? Let me -- this is
5 what I mean. I think that some of the hypotheticals
6 that were provided by Senator Davis may be illustrative
7 of what I'm asking. My last name is West, W-e-s-t. And
8 say that there's a typographical error where my name is
9 spelled W-e-s on the voters' roll, precinct list, and
10 then my -- but my identity I'm using my driver's license
11 and it has "t" on it. How does a poll -- an election
12 officer in that situation resolve that problem?

13 MS. MCGEEHAN: That's a good question, and
14 I don't think the bill necessarily defines what
15 verification --

16 SEN. WEST: I know. Senator Fraser said
17 I'd have to ask the Secretary of State that question.
18 That's why I'm asking you that question.

19 MS. MCGEEHAN: I think -- you know, based
20 on the way the bill is written now and if we had to
21 develop training materials for the poll workers on how
22 to implement this, we would look to the best practices
23 of the states that have implemented. I heard Indiana
24 testify earlier today that they have written some
25 guidelines. We'd look to that and try and incorporate

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1 the best practices on reasonable methods to verify the
2 ID document against the list of registered voters.

3 SEN. WEST: Okay. But you would agree
4 with me that in interpreting Section (c) and (d) without
5 some sort of guidance would lend itself to a great deal
6 of subjectivity; thus inconsistent application
7 throughout the state?

8 MS. MCGEEHAN: It could, yes.

9 SEN. WEST: Okay. As it relates to --
10 let's see. What page is it on? The next page, which
11 will be (h), it's in the same section.

12 MS. MCGEEHAN: Okay.

13 SEN. WEST: Would you read Section (h) and
14 tell me how you interpret that as the chief
15 administrator of the election laws in the state of Texas
16 next to, needless to say, Secretary of State?

17 MS. MCGEEHAN: (h) reads, "The
18 requirements for identification prescribed by Subsection
19 (b) do not apply to a voter who: (1) presents the
20 voter's voter registration certificate on offering to
21 vote; and (2) was 70 years of age or older on January 1,
22 2012, as indicated by the date of birth on the voter's
23 voter registration certificate."

24 The way I had -- until earlier this
25 afternoon when Senator Ellis asked the question, I had

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1 assumed that anybody that is 70 years of age or older
2 would not have to provide the photo ID. I think the
3 wording is less than perfect. I think that's the
4 intent; and I heard Senator Fraser, I think, answer that
5 his intent is it would apply. You know, even if a
6 person became 70 after January 1, 2012, they could still
7 take advantage of this exception.

8 SEN. WEST: Okay. But would it be your
9 suggestion that we need to reword that language to make
10 certain that whether you're there or someone else -- I
11 understand that you're here and you heard the
12 discussion, but if for some reason you're not in the
13 same position you're in right now, there's going to be
14 someone else, and they won't have -- they will not have
15 had the benefit of this discussion. So, therefore, do
16 you think it would be advisory to -- advisory to reword
17 that to make certain it's perfectly clear?

18 MS. MCGEEHAN: I think so. If people are
19 reading it inconsistent, it would probably help it if it
20 were.

21 SEN. WEST: Okay. Now, a couple of other
22 questions. As it relates to the counties, it's my
23 understanding that you -- that your agency and maybe
24 either yourself or someone working for you put together
25 the fiscal note. Is that correct?

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1 MS. MCGEEHAN: Yes. Our agency put it --
2 I helped.

3 SEN. WEST: Okay. Did someone under your
4 supervision contact local governments to determine the
5 impact, the fiscal impact, that implementation of this
6 will have?

7 MS. MCGEEHAN: No, we did not.

8 SEN. WEST: That was done by someone else?

9 MS. MCGEEHAN: I think LBB does that. We
10 just -- we just --

11 SEN. WEST: Provided the information?

12 MS. MCGEEHAN: Yeah. Right.

13 SEN. WEST: And based on your experience
14 when these types of changes -- let me back up.

15 How much experience have you had in this
16 particular area, that is, the election laws, in
17 administration of election laws?

18 MS. MCGEEHAN: I have been working in the
19 elections division for 21 years.

20 SEN. WEST: So you've had a little
21 experience, huh?

22 MS. MCGEEHAN: Yes.

23 SEN. WEST: Okay. All right. As it
24 relates to when changes are made in state law of this
25 nature, is there an impact, a fiscal impact, on local

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1 units of governments when they have to make changes to
2 comply with these types of changes or laws that are
3 being suggested?

4 MS. MCGEEHAN: I think it really depends
5 on what the change is. You know, if there's a new
6 mandate for a county or if the county has to do
7 something different, then obviously there would be a
8 fiscal impact.

9 SEN. WEST: Well, will -- and, again,
10 drawing on your expertise, will counties have to do
11 something different to implement this particular law?

12 MS. MCGEEHAN: They will have to -- they
13 are going to have to post information on their website
14 notifying the public what the new photo ID requirements
15 are.

16 SEN. WEST: Right.

17 MS. MCGEEHAN: When they issue voter
18 registration certificates, they are going to have to
19 mail out -- which they have to mail out every two years
20 under current law. The new certificates will have new
21 language, but -- informing voters of the voter ID
22 requirements, but that should be cost neutral because
23 they are already mailing out the voter registration
24 certificates.

25 The piece that I think might have a fiscal

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1 impact is the training. If the counties have to change
2 up their training procedures much or do more training
3 because they want to make sure the word is out to all
4 their -- that might increase their training costs.

5 SEN. WEST: Okay. So there are some
6 factors that need to be taken into consideration as to
7 whether or not counties will be burdened with additional
8 cost to implement this law. Is that correct?

9 MS. MCGEEHAN: Yes.

10 SEN. WEST: Okay. And would it be a fair
11 statement to say the larger the county, the more of the
12 burden -- of the financial burden -- well, that's not a
13 fair question.

14 Would it be a fair statement to say that
15 the larger the county, the larger the potential
16 financial obligation that they would have to encounter
17 in order to implement the law?

18 MS. MCGEEHAN: I think that's true, but I
19 can hear small counties say that it might be
20 proportional, you know, since their budgets are -- I
21 mean --

22 SEN. WEST: Right. It's all relative to
23 what your budgets are.

24 MS. MCGEEHAN: Yeah.

25 SEN. WEST: But the fact is that that --

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1 do you -- is there any -- you've read the fiscal note
2 associated with this bill?

3 MS. MCGEEHAN: Yes.

4 SEN. WEST: The \$2 million that's in the
5 fiscal note, does any of that go to the county to --
6 counties in order to implement this legislation?

7 MS. MCGEEHAN: No.

8 SEN. WEST: So any cost that is not
9 covered by the state for counties would be -- have to be
10 borne by the counties. Right?

11 MS. MCGEEHAN: Yes, yes.

12 SEN. WEST: Okay. Now, as it relates
13 to -- is there any way that the Secretary of State's
14 Office can give us -- do an analysis or get with the
15 various counties to determine exactly what the fiscal
16 impact of implementing this legislation would be?

17 MS. MCGEEHAN: We could -- we could
18 certainly solicit that information from counties and ask
19 them what -- how they see this impacting them fiscally.

20 SEN. WEST: You could do that for each and
21 every one of the counties?

22 MS. MCGEEHAN: We can do it.

23 SEN. WEST: Mr. Chairman, I'd like to
24 request that the Secretary of State's Office provides
25 the Senate an analysis of -- I shouldn't say an

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1 analysis -- at least solicit from the various counties
2 what the fiscal implication is going to be in order to
3 implement this bill.

4 CHAIRMAN DUNCAN: Okay. I think, Senator,
5 that will be an individual request from you, and then it
6 can be distributed to all members of the Senate --

7 SEN. WEST: Okay.

8 CHAIRMAN DUNCAN: -- whenever it's done.
9 You know, I doubt that that will be done by the time we
10 rise and report to the Senate.

11 SEN. WEST: Okay. We can't get it
12 tonight?

13 (Laughter)

14 SEN. WEST: I'm just joking with you.

15 CHAIRMAN DUNCAN: You won't be a very
16 popular guy if the --

17 SEN. WEST: I'd like --

18 (Laughter)

19 SEN. WEST: I'd like to get it as soon as
20 possible, though.

21 Let's see. No further questions. Thank
22 you very much.

23 MS. McGEEHAN: Thank you.

24 CHAIRMAN DUNCAN: Thank you, Senator West.
25 Senator Gallegos?

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1 SEN. GALLEGOS: Let me ask you, I don't
2 know if you heard my question earlier to Senator Fraser
3 and he referred to you or the Secretary of State's
4 Office to answer it. My concern was in the fiscal note
5 that we ranked number two in the country in population.
6 And Missouri ranks number nineteenth, and to implement
7 their voter ID program, they came up with -- they only
8 have 5.9 million people. We have 25 million. They came
9 up with a fiscal note of 6 million in the first year and
10 then 4 million in the second year for a total of 10
11 million second and third. That's \$10 million. And you
12 just -- I think earlier testimony with Senator Davis,
13 you said once the 2 million runs out, that's it. Is
14 that what you said?

15 MS. MCGEEHAN: For -- yeah, the amount of
16 money we have for voter education is limited. So when
17 that runs out, that's all we have.

18 SEN. GALLEGOS: I guess my concern is if
19 Missouri only has 5.9 million people, just to implement
20 their voter ID program they start with 6 million in the
21 first year and 4 million in the second and third year
22 for a total of \$10 million, for just 5.9 million folks,
23 what are they -- you know, I don't -- what are they
24 doing as far as when they are reading the bill? I heard
25 that you said you're going by the bill, and that's how

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1 you came up with your fiscal note. Is that correct?

2 MS. MCGEEHAN: Yes.

3 SEN. GALLEGOS: Okay. Well, then what are
4 they doing that we're not or, you know, how can you --
5 you know, for \$10 million for 5.9 million people and
6 we're only going to spend 2 million, I mean, what's the
7 difference?

8 MS. MCGEEHAN: I am not familiar with the
9 Missouri voter identification bill, and I did hear you
10 ask that earlier today, but I've been trying to listen
11 to all the questions. So we can -- we can research it
12 and see. Some states actually provide more to their
13 local county governments and print ballots and things
14 like that. I don't know if that's the situation in
15 Missouri, but I honestly don't know the answer to that
16 question because I don't know what the Missouri voter ID
17 law requires.

18 SEN. GALLEGOS: Well, it's a substantial
19 more amount of money than we're looking --

20 MS. MCGEEHAN: Yeah.

21 SEN. GALLEGOS: -- at the fiscal note that
22 you have -- that you've given this committee on Senate
23 Bill 14. And I just -- it concerns me that that amount
24 of money, if somebody is doing -- in the formula or
25 methodology that you came up with that number -- I mean,

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1 is that a true number? I mean, you know, as far as are
2 we really doing voter education that should be done, you
3 know, on 25 million people as opposed to what Missouri
4 is doing with only 5.9? I mean, it just -- I mean, that
5 would send up a red flag to me. Wouldn't it you?

6 MS. MCGEEHAN: Sure. I would like to
7 understand those numbers because they are very
8 different.

9 SEN. GALLEGOS: You know, I -- if we're
10 going to mandate to Texans, you know, and then do it --
11 do a good educational program and Missouri is spending
12 \$10 million on their folks and we're only spending
13 2 million on ours, I'd like to know what the -- what the
14 difference is. Are their people better than ours? You
15 know, do they deserve, you know, more education? You
16 know, I just -- you know, with the population as opposed
17 to our population, you know, I don't -- you know, I'm a
18 little concerned there. You know, are we cutting our
19 folks short? Are we really going to do what you're
20 telling us that you're going to do as far as educating
21 the public out there on this bill?

22 And it just concerns me that, you know, we
23 see -- and I haven't even taken a comparison of the
24 other states. And we're number two, and Missouri is 19,
25 and they are spending 10 million bucks. You know, that

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1 would concern me, and I would hope it would concern any
2 of the other Senators on this floor. Are we, you know,
3 really going to do -- in implementing this bill, are we
4 going to educate those folks out there?

5 Now, you know -- and I'd like that answer.
6 I mean, you can't answer it now, I understand, but I
7 would like an answer to that.

8 MS. MCGEEHAN: We'll get you an answer.

9 SEN. GALLEGOS: And a comparison on what
10 really your states that have implemented voter ID, how
11 much are they paying, you know, to implement the program
12 and what they do.

13 Now, on the fiscal note, it says you're
14 going to do TV and radio and some other things. I mean,
15 can you explain to this body the process on TV, or is it
16 going to be in different languages, or how are you going
17 to -- how are you going to split up the money? Who gets
18 the most? You know, I mean, it's not -- it's not
19 explained to us in the fiscal note how you're going to
20 spread the money around. And is that going to be
21 accessible to us or how the process is going to be, or
22 how much money are you going to spend in Harris County
23 as opposed to Lubbock, Texas or wherever?

24 MS. MCGEEHAN: Yes, that would be
25 available. And, you know, the programs that we've done

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1 previously, we have detailed records that show, you
2 know, where the media ran, and so we would -- that would
3 be a part of any program going future.

4 The way -- the way it has worked thus far,
5 the three statewide voter education programs that we
6 have done, is we've gone out for bid for a public
7 education firm. And then the first thing that firm does
8 is research, and they meet with stakeholders, and then
9 they craft the creative proposal. And then they turn
10 that into the actual media and do the media buys for TV,
11 radio and cycle, Internet and also print.

12 For the PSAs -- and I'm not the expert on
13 this -- but I understand that we pay for a certain
14 amount, and then we get some earned credit where TV
15 stations will run them for free. If you pay them, you
16 know, to run it once, they'll run it three times and
17 only charge you for once, something along those lines.

18 SEN. GALLEGOS: And is that going to be --
19 is there going to be access as far as different
20 languages in than budget?

21 MS. MCGEEHAN: Oh, yes. We -- our current
22 programs are in English and in Spanish, and in Harris
23 County, we've had a component for Vietnamese.

24 SEN. GALLEGOS: Okay. Now, on Page 2 of
25 the bill under what y'all are going to do under voter --

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1 under 31.012, Voter Identification, Senator West brought
2 it up about -- it says here you and -- your office and
3 the voter registrar of each county that maintains it
4 shall provide notice of the ID requirements as
5 prescribed by this change.

6 Now, my concern there is, is at the county
7 level -- you know, I think Senator West brought it up --
8 is how much is going to be incumbent on each county, you
9 know? I and others here on this floor represent the
10 largest county, Harris County, and Harris County is
11 already starting to lay off, and they have a shortfall,
12 and they are laying off as we speak right now. So, you
13 know -- and I see what it says in the bill, you know,
14 that you're going to get together with them. I mean,
15 are they going to have the money? Or where is the -- if
16 they don't have the money, where is the other money
17 going to come from? Other than the 2 million you
18 already have prescribed here and any federal matches
19 that come in, where is that money going to come if those
20 counties cannot provide?

21 MS. MCGEEHAN: I think that the bill
22 presumes that counties have a website, and so this
23 requirement is that they post, you know, the information
24 about the new photo ID requirements that the Secretary
25 of State's Office will actually prescribe. So we will

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1 send that out to the counties, and then they'll have to
2 post it on their website.

3 Now, in light of the fiscal
4 circumstances -- and Senator West has asked us to do a
5 survey -- we'll probably get some very detailed
6 information, you know, as far as the counties' fiscal
7 circumstances, if they are going to have to take down
8 their websites or, you know, where they are going to
9 have to cut.

10 SEN. GALLEGOS: Well, you know, with all
11 due respect, I mean, we can presume a lot of things, and
12 I could presume a lot of things, you know, just on
13 anything, but I can tell you right now -- I'm not
14 presuming -- I know that they're laying off in Harris
15 County right now. That's not a presumption. That's a
16 fact; that's a fact. And they're also furloughing in
17 the City of Houston.

18 So, I mean, it just concerns me that this
19 section here that says you're going to work hand-in-hand
20 with each registrar in each county, and if those
21 counties are already going through a budget shortfall
22 like we are, then how can you presume that they're going
23 to have -- I'm just saying that this bill presumes that
24 they're going to have a website and they're going to
25 have people to handle the education.

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1 You can't presume anything if they're
2 laying off right now as we speak, and that's a fact.
3 Like I said, that's not a presumption. That concerns
4 me. And what I'm asking is that if that can't happen in
5 Harris County or any other county in this state, where
6 is the extra money? If they don't have, obviously, the
7 funds to provide what is prescribed under Senate Bill
8 14, where is that money going to come from?

9 MS. MCGEEHAN: Well, you know, Senate Bill
10 14 doesn't make an appropriation to the county, so I
11 don't know the answer to your question on that because,
12 like I said, the bill -- I think the assumption is that
13 counties have a website. So if they're not going to
14 have a website --

15 SEN. GALLEGOS: But the bill prescribes
16 that you will work in conjunction with the county
17 registrar. Is that what I'm reading --

18 MS. MCGEEHAN: Yes.

19 SEN. GALLEGOS: -- or am I reading the
20 wrong bill?

21 MS. MCGEEHAN: Maybe I'm not -- the way I
22 read that was that we would provide them the wording,
23 the language that they would put up on their website.

24 SEN. GALLEGOS: Well, you're going to
25 provide them with that. But what about the bodies and

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1 any other education that's prescribed by this bill? If
2 they don't have the bodies -- they're laying off bodies
3 right now.

4 MS. MCGEEHAN: Yes.

5 SEN. GALLEGOS: Okay. And you see where
6 I'm going here?

7 MS. MCGEEHAN: No, I understand.

8 SEN. GALLEGOS: And if you provided a
9 fiscal note, you know, that we're going by and that's on
10 every website in the State of Texas, everybody that has
11 a computer, then really what I'm asking you, is this a
12 true fiscal note or is it misleading to the voters out
13 there, that it's going to cost more than what you're
14 showing here if other counties are having budget
15 shortfalls like we are?

16 MS. MCGEEHAN: Well, when we're asked to
17 submit a fiscal note to LBB, they want to know what the
18 state impact is. So generally we don't solicit what the
19 impact is to local government. And I'm not exactly sure
20 who within LBB does that, if that's LBB or the
21 Comptroller. But I can tell you -- and maybe we've been
22 doing them wrong, but the way we've understood our
23 requirement in responding to a fiscal note request was
24 to state what the state impact was. It's specifically
25 for the agent -- you know, like for our agency for the

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1 Secretary of State's office.

2 SEN. GALLEGOS: Okay. So what you're
3 telling me is that outside of the \$2 million that's in
4 the fiscal note and that under this section that you're
5 going to work with the registrar in each county, then we
6 just have to roll the dice and hope that the money is
7 there. Is that what you're telling me?

8 MS. MCGEEHAN: Well, I think this fiscal
9 note that LBB did put -- does indicate that there may be
10 some county costs. You know, they did put some numbers
11 in for Tarrant County and for Bexar County. So, you
12 know, it's not -- I don't think it's the number you're
13 looking for. It's not a comprehensive number, but I
14 think that the fiscal note does indicate that there may
15 be a fiscal impact on counties.

16 SEN. GALLEGOS: There may be a fiscal
17 impact. You don't know how much?

18 MS. MCGEEHAN: No, I don't.

19 SEN. GALLEGOS: So what we're looking at
20 in your fiscal note is just an open-ended fiscal note.
21 Is that what you're telling me?

22 MS. MCGEEHAN: The fiscal note is really
23 showing the impact on the Secretary of State's office.
24 I can't really speak to how the portion of the fiscal
25 note that concerns impact on local government, how

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1 LBB -- you know, what their process is. I don't really
2 know.

3 SEN. GALLEGOS: All right. Then let me
4 rephrase my question.

5 MS. MCGEEHAN: Okay.

6 SEN. GALLEGOS: So the \$2 million that
7 you're showing is what the state is going to be
8 impacted. And the language that is showing you're going
9 to work in conjunction with the counties, you know, you
10 cannot speak to that, so we really don't know. Is that
11 what you're saying? It could or could not be impacted
12 for a million, two million, three million, whatever the
13 number. I don't know the numbers that you gave Bexar
14 County and Tarrant County. I have not been privy to
15 those numbers. But what I'm saying is, I really would
16 like to know that if my county is going to be impacted,
17 if at all, it's going to be in here, you know. Do you
18 see what I'm saying?

19 MS. MCGEEHAN: Well, yes, I understand
20 what you're saying. And we are going to be sending out
21 a survey to try and gather that data from all the
22 counties.

23 SEN. GALLEGOS: You know, I don't like the
24 mandate to my county, something that this bill said that
25 they will do and then find out that they don't have the

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1 funds to do it. You know, to me, that's an unfunded
2 mandate in really telling Texans that are looking at
3 this debate on computer and that are looking at this
4 bill online, that this \$2 million fiscal note that
5 you've provided is only an impact to the state, not the
6 counties, not each county. Is that correct?

7 MS. MCGEEHAN: That's correct.

8 SEN. GALLEGOS: Okay. Thank you very
9 much.

10 CHAIRMAN DUNCAN: Thank you, Senator
11 Gallegos.

12 Senator Van de Putte.

13 SEN. VAN de PUTTE: Thank you,
14 Mr. Chairman.

15 Ms. McGeehan, you've been an excellent
16 resource witness for us, and there are just two
17 questions that I need to ask to get into the record with
18 regard to a survey.

19 Does Texas participate in the Election
20 Administration and Voting Survey?

21 MS. MCGEEHAN: Yes.

22 SEN. VAN de PUTTE: When was this survey
23 completed, the last survey was completed? Was it after
24 the 2008 election?

25 MS. MCGEEHAN: Yes.

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1 SEN. VAN de PUTTE: So we have that survey
2 available?

3 MS. MCGEEHAN: Yes.

4 SEN. VAN de PUTTE: Okay. The question
5 that I have goes to the data on the survey that goes, I
6 think, to all -- and this is the federal commission --
7 dealing with the number of provisional ballots in the
8 State of Texas. As far as you know, how do we rank in
9 the number of provisional ballots that are used with
10 regard to our voting population?

11 MS. MCGEEHAN: My general recollection is
12 that as far as the total number cast, we're on the lower
13 end. But as far as the number of provisional votes,
14 meaning that not as many people cast a provisional vote
15 in Texas as in some other states, but as far as the
16 number of provisional ballots that are counted --

17 SEN. VAN de PUTTE: Yes.

18 MS. MCGEEHAN: -- we have one of the lower
19 rates among the states as to the number of provisional
20 ballots that are counted. It is my understanding that
21 in the state chart, that we have very high rejection
22 provisional ballot rates. So, in other words, even
23 right now under this system that we have, that the
24 number of provisional ballots that are cast, we have
25 some of the highest rejection rates for those

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1 provisional ballots in all of the country.

2 MS. MCGEEHAN: Yes.

3 SEN. VAN de PUTTE: At least that's what I
4 understand from the report.

5 MS. MCGEEHAN: That's correct.

6 SEN. VAN de PUTTE: Thank you. I know
7 that we have the datasets that were put in for 2008, and
8 so hopefully that we will be able to get this and make
9 sure that as we monitor the bill as it progresses and
10 the bill as it's implemented, we certainly don't need to
11 get to the bottom of the bottom of the bottom on
12 rejection of provisional ballots.

13 Thank you.

14 CHAIRMAN DUNCAN: Thank you, Senator Van
15 de Putte.

16 Senator Fraser.

17 SEN. FRASER: Thanks for being here today
18 and waiting all day.

19 I would like to clarify a point before you
20 sit down. I think you're aware this morning that we had
21 entered into a record -- the Secretary of State had a
22 letter addressing the \$2 million in the HAVA funds that
23 was put into the record. Our understanding, from
24 talking to the Secretary, the way the HAVA funds work,
25 and also her relationship with the county, that she has

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1 very broad discretion, assuming that the HAVA people
2 approve the using of this.

3 The \$3 million that you're talking about
4 in voter education, it doesn't necessarily mean that
5 it's three plus two. It's possible that there's an
6 overlap, that this two million could be folded in --
7 possibly into the three. But that discretion goes back
8 to the Secretary and they make a determination. Is that
9 not true?

10 MS. MCGEEHAN: That's exactly right.

11 SEN. FRASER: The other thing that I want
12 to clarify that there is a lot of discussion about, what
13 expense might go to Houston or what expense might go to
14 Bexar. Right now there is not clear, because I think
15 there's a lot of discussion going on of whether is that
16 Bexar expense or is that Secretary of State expense?

17 And we've got to determine what those
18 dollars are being spent on. Can we use Secretary of
19 State dollars and HAVA funds for that? So I think we're
20 premature of a county saying they've got "X" amount of
21 expenses, because it's possible that some of those
22 expenses flow from the Secretary of State's office, they
23 do not flow to the county, and they could handle that
24 with available people within the county and budget. Is
25 that not correct?

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1 MS. MCGEEHAN: That's correct. And just
2 an example of that, the cost that Bexar County put in
3 the fiscal note was -- I think their assumption was that
4 the certificate, the voter registration certificate
5 would have to increase in size. And I don't see
6 anything in the bill that requires that. And the
7 Secretary of State prescribes the form. So once that's
8 explained to the county, they might withdraw that
9 fiscal --

10 SEN. FRASER: I want to make sure that
11 that's clear, is that some of these assumptions are
12 possibly the-sky-is-falling assumptions that this is --
13 you know, this expense is going to be put on us, and I
14 don't think that's been discussed. And some of this, I
15 think, can be done by ruling of the Secretary of State,
16 directing them. And there is a real good chance that a
17 lot of these expenses go away that can be absorbed
18 through the Secretary of State. And that is correct,
19 isn't it?

20 MS. MCGEEHAN: Yes.

21 SEN. FRASER: Okay. I wanted to clear
22 that up. Thank you so much.

23 CHAIRMAN DUNCAN: The Chair recognizes
24 Senator Williams.

25 SEN. WILLIAMS: Thank you, Mr. Chairman.

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1 Ms. McGeehan, I want to add my thanks for
2 you hanging in here with us all day. There's about
3 three things that I would like to clear up with you. I
4 just want to understand unequivocally, HAVA funds can be
5 spent for things like training poll workers. Is that
6 correct?

7 MS. MCGEEHAN: Yes.

8 SEN. WILLIAMS: Okay. Thank you. Then
9 are you familiar with the voter ID bill that went
10 into -- in Utah recently? Have you taken a look at
11 that?

12 MS. MCGEEHAN: No, I have not looked at
13 that.

14 SEN. WILLIAMS: Okay. I just think it's
15 noteworthy, in light of Senator Van de Putte's comments,
16 because the Salt Lake County Clerk's office -- I've got
17 a news report here -- it's confirmed that there were
18 only 13 cases of voters having to pick up their
19 provisional ballots because they didn't have the proper
20 identification to vote when they put this new law into
21 effect. So it seems like it's had a great -- again, one
22 more state where the impact has been really minimal.
23 I'm not sure why we're having these other issues, but I
24 don't think its because of this.

25 And then finally I wanted to ask you, we

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1 had talked earlier about the project that I asked you to
2 do, to cross-reference the driver's licenses and the
3 voter registration. How is that coming along? I know I
4 only asked today, but I just --

5 MS. MCGEEHAN: Yes.

6 SEN. WILLIAMS: -- but what is a
7 reasonable expectation for us to get that information?

8 MS. MCGEEHAN: I would hope by the end of
9 the week. One thing that our IT folks and our election
10 experts are trying to struggle with is like matching
11 criteria --

12 SEN. WILLIAMS: Right.

13 MS. MCGEEHAN: -- you know, which we won't
14 have a TLD number, so we're working through some of
15 that. But I would expect by the end of the week we
16 would have it, if not earlier.

17 SEN. WILLIAMS: Okay. So do you need any
18 further direction from us? For instance, if we wanted
19 to target that universe of people that we know are out
20 there and maybe make a little extra effort to make sure
21 that they understood they were going to have a new
22 requirement when they went to vote as far as getting a
23 photo ID, if they didn't already have one -- and we've
24 identified who they are -- if we gave legislative intent
25 as a part of the bill tomorrow, would that be sufficient

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1 for you-all and the Secretary of State's office to take
2 that direction and know that that's something that we
3 wanted to have done in your training plans and voter
4 education plans?

5 MS. MCGEEHAN: Yes. I think if there were
6 a statement of legislative intent, we would certainly
7 follow that.

8 SEN. WILLIAMS: That would be sufficient.
9 Okay. Thank you very much. Appreciate your help.

10 CHAIRMAN DUNCAN: All right. Members, are
11 there any other questions of Ms. McGeehan?

12 Okay. The Chair hears none. Thank you,
13 Ms. McGeehan.

14 The Chair calls David Maxwell, Deputy
15 Director of Law Enforcement, Texas Attorney General's
16 Office.

17 Mr. Maxwell, would you approach and state
18 your name and who you represent, and then we'll open it
19 up for questions.

20 TESTIMONY BY DAVID MAXWELL

21 MR. MAXWELL: I have a written statement
22 that I would like to put into the record, sir.

23 CHAIRMAN DUNCAN: Well, we haven't been
24 doing that.

25 MR. MAXWELL: Okay.

PROPOSED ACTIVITY PLAN

RFP12111-Attachment D

Task	Sub-Task	Task Description	Sub-Task/Activities	Est. Start Date	Est. End Date	Budget
01	01.01	Opinion Research / Awareness Tracking	Benchmark wave prior to Phase I	Wednesday, January 04, 2012	Wednesday, January 18, 2012	\$ 45,000.00
01	01.02		Mid-wave at the conclusion of Phase I	Monday, March 12, 2012	Friday, March 16, 2012	\$ 45,000.00
01	01.03		Post-wave at the conclusion of Phase II	Thursday, November 12, 2012	Friday, November 16, 2012	\$ 45,000.00
02	02.01	Planning and Strategy	Message Development	Monday, January 8, 2012	Monday, January 23, 2012	\$ 15,000.00
02	02.02		Develop creative for print, broadcast and collateral materials	Wednesday, January 04, 2012	Tuesday, January 31, 2012	\$ 150,000.00
02	02.03		Develop creative for online	Wednesday, January 04, 2012	Friday, January 13, 2012	\$ 50,000.00
02	02.04		Spokesperson Training	Thursday, January 26, 2012	Thursday, January 26, 2012	\$ 10,000.00
03	03.01	Media Relations	News Bureau Program/Ongoing Media Relations	Monday, January 16, 2012	Tuesday, November 06, 21012	\$ 125,000.00
03	03.03		Virtual Press Conference	Wednesday, February 01, 2012	Wednesday, February 01, 2012	\$ 15,000.00
03	03.04		Media Tours/Deskside Briefings - Phase I	Thursday, February 02, 2012	Tuesday, March 06, 2012	\$ 18,000.00
03	03.05		Media Tours/Deskside Briefings - Phase II	Monday, July 02, 2012	Tuesday, November 06, 2012	\$ 27,000.00
04	04.01	Kick-off Event	Media and Community Event - Downtown Dallas	Wednesday, February 01, 2012	Wednesday, February 01, 2012	\$ 50,000.00
05	05.01	Paid Media	March Primary - Phase I	Monday, January 16, 2012	Tuesday, April 03, 2012	\$ 720,000.00
05	05.02		November General - Phase II	Monday, July 02, 2012	Tuesday, November 06, 2012	\$ 1,080,000.00
06	06.01	Community Outreach	Statewide Mobile Photobooth Community Events - Ongoing	Thursday, February 02, 2012	Tuesday, November 06, 21012	\$ 250,000.00
06	06.03		Community-Based and Faith-Based Outreach - Ongoing	Thursday, February 02, 2012	Tuesday, November 06, 21012	\$ 50,000.00
07	07.01	Social Media Program	Program Development and Implementation - Phase I	Thursday, February 16, 2012	Tuesday, March 06, 2012	\$ 80,000.00
07	07.02		Ongoing Implementation - Phase II	Wednesday, March 07, 2012	Tuesday, November 06, 21012	\$ 120,000.00
08	08.01	Legislative Outreach	Delivery of Information and Toolkits - Ongoing Outreach	Thursday, February 02, 2012	Tuesday, November 06, 21012	\$ 35,000.00
09	09.01	Hispanic Outreach	Media Partnership, Mobile Phone App, Social Media - Ongoing	Monday, January 16, 2012	Tuesday, November 06, 21012	\$ 70,000.00
Total						\$ 3,000,000.00
01	N/A	Subtotal 01				\$ 135,000.00
02	N/A	Subtotal 02				\$ 225,000.00
03	N/A	Subtotal 03				\$ 185,000.00
04	N/A	Subtotal 04				\$ 50,000.00
05	N/A	Subtotal 05				\$ 1,800,000.00
06	N/A	Subtotal 06				\$ 300,000.00
07	N/A	Subtotal 07				\$ 200,000.00
08	N/A	Subtotal 08				\$ 35,000.00
09	N/A	Subtotal 09				\$ 70,000.00
Total						\$ 3,000,000.00

EXHIBIT 16

RFP 12111
Attachment D

SOS GA Testimony

In-Person Voting with Photo Identification: Background

In 2006 the State of Georgia enacted Senate Bill 84, which requires voters who cast their ballot in person to present one of six forms of acceptable photo identification.

The six forms of acceptable photo ID:

- ✓ A Georgia driver's license, even if expired;
- ✓ Any valid state or federal government issued photo ID, including a free Voter ID Card issued by the voter's county registrar or Georgia Department of Driver Services;
- ✓ Valid U.S. passport;
- ✓ Valid employee photo ID from any branch, department, agency, or entity of the U.S. Government, Georgia, or any county, municipality, board, authority, or other entity of this state;
- ✓ Valid U.S. military photo ID; or
- ✓ Valid tribal photo ID.

If a voter does not have a photo ID or forgets to bring their photo ID to the polls, they can still cast a provisional ballot.

- ✓ The voter then has until the Friday after Election Day to obtain an acceptable form of photo ID, and return to their county elections office to have their vote counted.

No voter is ever turned away from the polls because they do not have an acceptable form of photo ID!

The Secretary of State's Office implemented a website (www.GaPhotoID.com) to educate Georgia voters about:

- ✓ The photo ID requirement for in-person voting
- ✓ The free Voter ID Card for voters who do not have photo ID
- ✓ The free photo ID card available at Dept. of Driver Services centers

The website also contains flyers, posters and brochures about Georgia's photo ID requirement that users can print and distribute.